



Bobby Friedman

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Clerks' Details

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Qualifications and Appointments

- First Class Degree from Emmanuel College, Cambridge
- GDL, City University, 1st in year and awarded the 3 Verulam Buildings Prize
- Bar Professional Training Course, City University: graded "Outstanding"
- Visiting tutor, contract law and EU law, City University (2010-2011)
- Awarded the Lord Atkin Senior Scholarship by Gray's Inn (the Inn's highest award for students) as well as a Prince of Wales Scholarship and a David Karmel Award
- President, Cambridge Union (2004)
- Previously, worked as a presenter, investigative reporter and producer for the BBC's news and current affairs output. He is also a successful author.

"He is staggeringly clever"

Chambers & Partners, 2016

Memberships

- Association of Pension Lawyers
- Chancery Bar Association
- Commercial Bar Association

Publications

- Pensions Liberation: Not So Easy as Pi (talk to the Association of Pension Lawyers)
- The Duty of Good Faith post-IBM (talk to the Association of Pension Lawyers)
- Defences in Tort: Ex Turpi Causa

Practice Overview

Bobby is, as described in Chambers & Partners, an *"up-and-coming junior who is noted for his advocacy capabilities and the practical approach he takes to cases."*

He has a very busy practice across Chambers' core practice areas, in particular: pensions; trusts; general commercial disputes (domestic and international); civil fraud; contractual disputes; wills and probate; professional negligence; private client; real property; landlord and tenant; partnership; and company and insolvency. He has also undertaken work in a number of offshore jurisdictions.

Bobby works well both acting on his own account and being led by others. He has been instructed as a junior on a number of major disputes, with recent work including a seven-week High Court pensions trial; a two-week commercial expert determination; acting for the Targets in very significant pensions moral hazard proceedings; and a two-week probate trial.

As Chambers & Partners notes, he has a *"tenacious advocacy style"* and he has appeared as sole counsel in a wide range of matters, from trials to day-long applications before a High Court Judge in the Chancery Division.

Chambers & Partners, 2015 reported that *"he takes a very thorough approach to matters and is a charming and friendly character."*

Recent cases of note include being instructed:

- As sole counsel in the High Court, successfully obtaining worldwide freezing injunctions over more than £10 m of assets and also trustee appointments in respect of a large number of pensions schemes suspected of being involved in pensions liberation.
- Acting as a junior in the High Court cases of *Pi v The Pensions Regulator and Ors* and *Dalriada v Nidd Vale Trustees Limited* and Ors determining whether a number of pension schemes were occupational pension schemes within Pension Schemes Act 1993.



Practice Overview continued

- Acting as a junior in the IBM pension litigation *IBM UK Holdings Ltd and Anor v Dalgleish and Ors*.
- Acting as a junior in a High Court civil fraud and professional negligence claim worth over £50m.
- Successfully obtaining freezing injunctions and then obtaining judgment in a claim relating to civil fraud in a commercial context.
- Acting as sole counsel in a major commercial breach of contract claim worth £60m.
- Acting as a junior in a significant claim concerning the distribution of assets on the insolvency of a bond provider.
- Providing advice to a third party in respect of numerous matters relating to freezing injunctions.
- Acting as a junior to Henry Legge QC in writing an expert report on English pensions law for the long-running Nortel litigation.
- Providing advice on a wide range of pension matters, including advising a number of companies in respect of proposed scheme closures and advising members on good faith claims.
- Acting as a junior in respect of a \$650m civil fraud claim.
- Contractual disputes; bankruptcy and winding-up; charging orders; possession (both residential and commercial); enforcement of judgments; procedural matters; and leasehold valuation.
- Acting for a Representative Beneficiary in a Beddoe Claim.
- Drafting a response in a significant regulatory action for an investment fund in respect of a Warning Notice issued by the Pensions Regulator.
- Bobby also frequently appears in a wide range of procedural hearings.

Pensions

A large part of Bobby's practice is focused on pensions work and he is a member of the APL. He has significant experience of pension matters and has acted both on his own account and as a junior. Chambers & Partners states that **"he offers experience of pensions liberation schemes and regulatory matters"**.

Matters of note include:

- Acting as sole counsel for a Representative Beneficiary in a Beddoe Claim.
- Drafting a response in a significant regulatory action for an investment fund in respect of a Warning Notice issued by the Pensions Regulator.
- Advising and drafting settlement agreement in relation to a pension scheme administrator that mistakenly made purportedly unauthorised payments to members.
- Advising a pension scheme administrator on the release of funds under a freezing injunction.



Pensions continued

- Being instructed as a junior in *IBM UK Holdings Ltd and Anor v Dalgleish and Ors* [2014] EWHC 980 (Ch). Bobby was part of the team that successfully represented the representative beneficiaries in a major, seven-week High Court good faith trial.
- Acting as a junior to Henry Legge QC in writing an expert report on English pensions law for the long-running Nortel litigation.
- Being instructed by the company as a junior in relation to a significant dispute regarding the British Airways Pension Scheme.
- Providing advice to companies and trustees, both in England and Wales and offshore, in respect of proposed closure/changes to a pension scheme. Bobby has also advised members on potential claims in respect of scheme closure/changes.
- Resisting a claim brought against a major pension provider in respect of payments under a with profits pension.
- Drafting a defence for the administrator of a SSAS in a professional liability claim.
- Advising a member of a SSAS in respect of potential breaches of trust.
- Acting on a number of cases involving professional negligence in a pensions context.
- Advising the Pensions Regulator and drafting in respect of its restitutionary powers.
- Bobby has particular experience of pensions liberation. He appeared as a junior in the trial *Pi v The Pensions Regulator and Ors and Dalriada v Nidd Vale Trustees Limited and Ors* determining whether a number of pension schemes were occupational pension schemes within Pension Schemes Act 1993. He has also acted for the Pensions Regulator obtaining worldwide freezing injunctions and trustee appointments under the Regulator's powers and the court's inherent jurisdiction. He has also provided written advice to trustees on liberation matters and to professional advisers facing liabilities as a result of liberation. Bobby's work has encompassed not just drafting warning notices, but also making applications to the Upper Tribunal. He has also spoken to the APL about pensions liberation.
- Advising trustees in respect of a number of potentially defective pension deeds.
- Advising a company in respect of pensions liberation in the context of a contractual claim, and successfully resisting an application for expert evidence relating to pensions liberation.
- Successfully acting in respect of a proposed suspension of trustees in the Upper Tribunal.
- Advising on a claim for breach of trust against pension scheme trustees.
- Advising on the winding up of a pensions scheme.
- Advising pension scheme administrators on the transfer of a pension in cases of suspected pensions liberation.
- Advising and acting for a member of a pension scheme whose pension had been incorrectly applied.



Professional Liability

Bobby has significant experience of professional liability matters and has acted both on his own account and as a junior.

A number of Bobby's cases involve professional negligence in a pensions context.

Recent cases include:

- Drafting a defence for the administrator of a SSAS in a professional liability claim.
- Advising a member of a SSAS in respect of potential breaches of trust.
- Drafting pleadings in a number of different professional negligence matters, with particular experience of solicitors' negligence.
- Acting for an insurer in respect of an allegedly negligent financial adviser.
- Acting for a Sipp provider in respect of allegedly negligent advice.
- Advising and acting for a member of a pension scheme whose pension had been incorrectly applied.
- Advising and acting for the administrators of a pension scheme in a professional negligence claim.
- Acting for solicitors defending a professional negligence claim.

Trusts, Tax, Probate and Estates

Bobby has a particular interest in trust matters and provides a wide range of advocacy, drafting and advisory work, including with an international aspect.

Matters of note include:

- Acting as junior in a major dispute concerning the trusts arising on the insolvency of a major bond provider.
- Acting in a claim concerning the validity of a will, with the matter involving a significant international aspect.
- Acting as a junior to [Michael Furness QC](#) in a two-week High Court trial relating to testamentary capacity and knowledge and approval of a will.
- Advising on the domicile of a testator.
- Providing advice and acting generally in respect of Inheritance Act Claims.
- Acting in respect of an administrator of an estate seeking permission to pay sums into court.
- Advising in a number of cases as to trustees' powers under a trust.
- Acting in respect of cases involving trusts in the divorce context.
- Advising on a claim for breach of trust.
- Advising in respect of the application of a trustee exclusion cause.



Property

Bobby frequently acts on a wide variety of property matters, predominantly on his own account but also as a junior.

Recent instructions include:

- Acting for a FTSE 100 company in an expert determination concerning a significant dispute over a purchase and development agreement.
- Acting as sole counsel for the claimants in a claim for more than £60 million arising from the financing of a number of property developments.
- Acting for a property developer in a claim for breach of contract arising from a major redevelopment.
- Acting as a junior in a two-week expert determination concerning a commercial property agreement, including aspects of planning law.
- Assisting as part of a team acting for property developers suing IKEA for bad faith and a commercial agent for breach of confidentiality in a major property deal.
- Drafting an injunction and pleadings in a case concerning trespass and interference with a right of way.
- A written opinion on liability under the Party Walls Etc Act 1996.
- Drafting Particulars of Claim for an order for sale.
- Drafting pleadings and making an application to the Chancery Masters for alternative service in various matters relating to trespass.
- Drafting Particulars of Claim in a dispute concerning a guarantor's liability under a lease.
- Advising a global restaurant company on breaches of covenants in a lease.
- Acting for a property developer in a claim for introducer payments arising from sales of various properties.
- Appearing in numerous hearings in respect of charging orders.
- Appearing in numerous possession hearings, including in respect of adverse possession.
- Appearing at CMCs and directions hearings.
- Drafting and advising in respect of a dispute in the Mercantile Court relating to ownership of an expensive barge.
- Advising a freeholder in respect of liabilities under a lease of a block of flats.
- Drafting documents relating to the extension of leases under the statutory provisions.
- Advising in respect of LVT matters.
- Advising and drafting in respect of claims brought against a landlord by tenants.
- Advising on interference with a right of way.



Commercial

Bobby is currently instructed in a number of significant commercial disputes. He has a broad practice encompassing most areas of business and commercial law, with particular experience and interest in civil fraud, general commercial disputes and insolvency. He has also worked in offshore jurisdictions. He is frequently called on to obtain or resist freezing injunctions.

Recent matters of note include:

- Acting for the claimants against a major high street bank in a misselling claim involving interest rate hedging product.
- Acting for a FTSE 100 company in an expert determination concerning a significant dispute over a commercial agreement.
- Acting for the claimant in a major breach of contract claim arising from a redevelopment.
- Acting for an introducer seeking payment of unpaid fees.
- Applying to set aside a statutory demand.
- Acting for a company seeking repayment of directors'.
- Obtaining a freezing order against a fraudulent employee of a significant company.
- Acting as sole counsel in a major commercial dispute worth £60 million.
- Acting as a junior in a two-week expert determination concerning a commercial property agreement.
- Acting as a junior in a significant claim concerning the insolvency of a bond provider.
- Successfully obtaining a freezing injunction in a claim for unjust enrichment and dishonest assistance and then successfully obtaining judgment in favour of the claimant.
- Advising a third party on the release of funds under a freezing injunction.
- Acting as sole counsel for a major financial organisation in a significant claim arising out of the construction of a facility agreement.
- Successfully seeking (as sole counsel) worldwide freezing injunctions against a number of parties in the High Court in respect of a number of instances of fraud.
- Acting for a trustee in a £50 m High Court civil fraud claim (as a junior).
- Acting for a company seeking to enforce its charge against a fraudster in the context of the fraudster's divorce.
- Acting for a contractor in a major Middle Eastern dispute alleging fraud and bad faith.
- Acting for a businessman who is owed sums by a hedge fund manager pursuant to an advisory contract.
- Acting for a venture capital firm in respect of resisting a claim for payment by professional advisers.
- Successfully resisting an administration order in relation to contested debts to a firm of solicitors.
- Successfully resisting the appointment of a liquidator.
- Frequent appearances in the bankruptcy courts and in the winding up court.
- Advising on arrest of an aircraft.
- Advising and drafting in respect of numerous commercial contracts.
- Appearing on summary judgment applications in respect of commercial contracts.
- Acting for a company in resisting claims for the payment of sums under a consultancy contract.
- Acting for a major bank in respect of claims arising from a contractual agreement.