



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
- Contributing author, Kerr & Hunter on Receivers and Administrators
- The Commercial Court: a guide to the Guide

Practice Overview

Bobby is, as described in the legal directories, a *"rising star"* who is *"staggeringly clever"* and *"noted for his advocacy capabilities and the practical approach he takes to cases."*

He has a very busy practice focusing on commercial disputes (including civil fraud – with extensive experience of freezing injunctions – and company and insolvency), pensions, trusts and commercial property, appearing frequently in both the Chancery and Commercial Courts as well as in arbitrations. He has also undertaken work in a number of offshore jurisdictions.

Bobby works well both as sole counsel and when being led as a junior. He frequently appears unled in the High Court, often against silks, in high-value and complicated matters, and has also acted in a junior in numerous difficult and high-profile disputes. Bobby recognises the importance of a detailed and analytical approach, and combines this with pragmatism and tenacity.

Bobby has been recognised in the legal directories for a number of years (unusually so for someone of his call). As Chambers & Partners notes, he is *"unafraid to make difficult calls and he portrays a confidence that belies his years"*; is *"very consistent and authoritative"* in his advice; and has a *"tenacious advocacy style."* Other comments include that Bobby *"is fun to work with, super clever and incredibly responsive"*; and that *"He is a very good junior who gives very efficient and effective service, and has strong advocacy skills."*



Practice Overview continued

A snapshot of ongoing and recent cases includes:

- Acting in a major Commercial Court claim for a client seeking damages in deceit and unlawful means conspiracy. Bobby is part of a team that has successfully obtained a number of freezing injunctions (*Gerald Metals v Timis* [2017] EWHC 1375)
- Acting as sole counsel in a Chancery Division claim arising from a commercial contract worth £60 million, which settled shortly before trial in 2017 (*Frogmore v Nationwide*).
- Acting as a junior in *Re ARM Asset Backed Securities*, a significant High Court insolvency claim concerning the distribution of assets on the insolvency of a bond provider, which settled immediately prior to trial in 2017.
- Acting as a junior in a significant LCIA arbitration concerning a Russian commercial dispute. This is due to be heard in summer 2018.
- Bobby has particular expertise in pensions regulatory proceedings. He has acted for the targets in some of the most notable regulatory cases of recent years, including moral hazard proceedings such as *GPG, Staveley and Brunel* (and others that remain confidential). He has recently been acting for a company resisting the exercise of the Regulator's powers under s.231 PA 04.
- Bobby is particularly noted for his experience with pensions liberation, where he has been involved in most of the significant cases in recent years.
- *Alberto Chang Abate* (2017 and ongoing). Bobby is acting for the Chilean liquidator following the bankruptcy of a well-known Chilean businessman amidst allegations of a widespread international "Ponzi" type fraud, perpetrated within the Arcano Group, in Chile, the US and the BVI. Bobby obtained recognition of the Chilean bankruptcy in the UK (thought to be the first such order ever to be obtained).
- Successfully acting for a fixed charge-holder resisting an injunction sought against a receiver, and then obtaining the appointment of an administrator on a contested application (*Re SS Agri Power Limited* [2017] EWHC 2431 (Ch))
- A seven-week High Court pensions trial (as a junior) (*IBM v Dalgleish*).
- Acting as a junior in a High Court civil fraud and professional negligence claim worth over £50m.
- As junior counsel, acting for the Pensions Regulator in the significant *Pollock v Reed* litigation.
- Acting for the company in the *Shannan v Viavi*, a pensions case which is shortly to be heard in the Court of Appeal.
- Successfully arguing in a High Court Part 8 claim for a novel construction of the provisions of the Companies Act 2006 concerning a reduction of capital.
- 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 the Pension Schemes Act 1993.
- Bobby has appeared in numerous other freezing injunctions as sole counsel, successfully obtaining or opposing relief.
- Bobby also frequently appears in a wide range of procedural hearings.



Pensions

Bobby is "a rising star" of the pensions bar who "has acted in some of the most high-profile pensions disputes and trials" (Chambers and Partners). Pensions forms a very significant part of his practice and he has extensive experience across all areas of the field. He has been recognised in the legal directories as a leading pensions practitioner for a number of years (a perhaps unprecedented accolade for someone of his year of call).

Recent High Court trials include *Shannan v Viavi* (shortly to be heard in the Court of Appeal) and *Pollock v Reed*, and Bobby also acted for the Rep Ben in the IBM litigation.

Bobby has frequently been recognised for his "considerable regulatory experience" (Chambers & Partners 2016), and has particular knowledge and experience acting for Targets facing FSDs or CNs in some of the most high-profile and important disputes of recent years. Bobby has also recently been acting for a company resisting the exercise of the Regulator's powers under s.231 PA 04.

Bobby has also been involved in a large number of cases involving pensions liberation and trustee removals. He has also successfully obtained a number of trustee prohibitions.

He also acts in the whole range of cases relating to pensions, including related professional negligence.

Matters of note include:

- Acting for a company resisting the exercise of the Regulator's powers under s.231 PA 04.
- Acting for the targets in some of the most high profile moral hazard proceedings of recent years, including in response to potential FSDs and CNs. Cases included GPG, Brunel and Staveley, and Silentnight.
- Being instructed as a junior in *IBM UK Holdings Ltd and Anor v Dagleish and Ors*.
- Acting as sole counsel for a Representative Beneficiary in a Beddoe Claim.
- Advising a pension scheme administrator on the release of funds under a freezing injunction.
- Acting for an insurer bringing a High Court claim for unjust enrichment following pension overpayments.
- Successfully obtaining a number of trustee prohibitions (acting for the Pensions Regulator).
- Being instructed as a junior in *IBM UK Holdings Ltd and Anor v Dagleish and Ors* [2014] EWHC 980 (Ch). Bobby was part of the team that 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.



Pensions continued

- 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.

Recent cases include:

- Acting as sole counsel for the administrator of a SSAS in an ongoing High Court professional liability claim with a headline value of many millions of pounds (*Hague v Rowanmoor*).
- Acting (as a junior) for an international corporation bringing High Court proceedings against a major law firm for negligent advice.



Professional Liability continued

- Acting for a company bringing a claim against solicitors for negligent drafting of a share purchase agreement.
- Acting for a barrister resisting a High Court claim concerning allegedly negligent advice.
- 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.
- Acting for the claimant in a claim arising for negligent financial advice.

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.



Commercial

Bobby has a very busy and successful commercial practice, with commercial disputes forming a major part of his work. He is currently instructed in a number of significant commercial cases, both as sole counsel and as a junior. He has a particular interest in and experience of civil fraud and is frequently called on to obtain or resist freezing injunctions. He has also worked in numerous offshore jurisdictions and is happy to accept instructions globally.

Bobby is well-suited to the demands of commercial work, and combines intellectual rigour with the tenacity needed to deal with high-value and complex claims.

Recent matters of note include:

- Acting in a major Commercial Court claim for a client seeking damages in deceit and unlawful means conspiracy. Bobby is part of a team that has successfully obtained a number of freezing injunctions (*Gerald Metals v Timis* [2017] EWHC 1375)
- Acting as sole counsel in a High Court claim arising from a commercial contract worth £60 million, which settled shortly before trial in 2017 (*Frogmore v Nationwide*).
- Acting as junior counsel in a 3-week Commercial Court trial concerning the termination of a contract on the National Express network (*DMT v National Express*, ongoing)
- Acting for the defendant in a Commercial Court claim alleging breach of fiduciary duty (ongoing)
- Resisting a freezing injunction sought in the Chancery Division in respect of a claim in deceit.
- Acting as a junior in a significant LCIA arbitration concerning a Russian commercial dispute. This is due to be heard in summer 2018.
- Acting for a trustee in a £50m High Court civil fraud claim (as a junior) (settled shortly before trial).
- Acting for a trading company resisting proceedings brought against it in Sierra Leone (ongoing).
- Acting for the lessee of an aircraft in a claim seeking declarations that the lessor is not entitled to require redelivery of the aircraft (ongoing).
- Acting for a major newspaper bringing a High Court claim for sums due to it under a commercial contract (ongoing).
- Acting for a trade financing company seeking recovery of sums due to it under a guarantee.
- Acting for a Greek businessman resisting enforcement of a Greek judgment.
- Resisting the enforcement of a Florida judgment.
- Successfully striking out an appeal brought in a commercial contract claim.
- Acting for the company, a successful tech start-up, in an unfair prejudice petition.
- Acting for the defendant trader resisting a claim concerning alleged wrongful trading, concerning the entering into of trades beyond his authority and related matters.
- Acting for the claimant seeking recovery of sums paid under a contract. The sums were due to be invested in contracts for difference and other derivative products but these were wrongly/incorrectly invested.
- Acting for a litigation funder seeking the variation of a freezing injunction.
- Acting for the claimants against a major high street bank in a misselling claim involving an interest rate hedging product.
- Successfully arguing in a High Court Part 8 claim for a novel construction of the provisions of the Companies Act 2006 concerning a reduction of capital.



Commercial continued

- Acting for the claimant in a major breach of contract claim arising from a redevelopment.
- Acting for a director in the Isle of Man facing regulatory proceedings.
- Acting for an introducer seeking payment of unpaid fees.
- Obtaining a freezing order against a fraudulent employee of a significant company.
- 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 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.
- or a venture capital firm in respect of resisting a claim for payment by professional advisers.
- Advising on arrest of an aircraft.
- Advising and drafting in respect of numerous 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.

Insolvency

Bobby has a busy insolvency practice and has acted in a number of high-profile and difficult cases. He is also a contributing author of Kerr & Hunter on Receivers and Administrators and has been published in International Corporate Rescue.

Recent and ongoing cases of note include:

- Acting as a junior in **Re ARM Asset Backed Securities**, a significant High Court insolvency claim concerning the distribution of assets on the insolvency of a bond provider, which settled immediately prior to trial in 2017.
- Successfully acting for a fixed charge-holder resisting an injunction sought against a receiver, and then obtaining the appointment of an administrator on a contested application (**Re SS Agri Power Limited** [2017] EWHC 2431 (Ch)).
- **Re Alberto Chang Abate** (2017 and ongoing). Bobby is acting for the Chilean liquidator following the bankruptcy of a well-known Chilean businessman amidst allegations of a widespread international "Ponzi" type fraud, perpetrated within the Arcano Group, in Chile, the US and the BVI. Bobby obtained recognition of the Chilean bankruptcy in the UK (thought to be the first such order ever to be obtained).
- **Cusack v Martinez**. Acting for an IP in a High Court dispute concerning the transfer of appointments.
- Successfully obtaining, in the High Court, an order declaring a notice of intention to appoint an administrator as being of no effect.



Insolvency continued

- **Re Beech Holdings:** Acting as sole counsel for a major creditor of a company, appealing the liquidator's decision on its proof of debt (2016–2017).
- **Re Leyton Orient:** Advising and appearing for the fans' trust in respect of the potential insolvency of this well-known football club (2017).
- Successfully obtaining judgment in favour of an IP in claims against a company director.
- Successfully resisting the appointment of a liquidator.
- Acting in a number of contested bankruptcy proceedings.

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.



ADR

Bobby has been instructed in a number of significant arbitrations, both domestic and international. He regularly carries out both written and oral advocacy in relation to arbitrations and other out of court hearings.

Although the details are confidential, the type of work Bobby has recently been involved in includes:

- Acting as a junior in a significant LCIA arbitration concerning a Russian commercial dispute.
- Acting for a FTSE 100 company in a two-week hearing concerning a commercial contract.
- A dispute concerning a major commercial contract. Bobby successfully argued that the contract was not enforceable, helping to save his client many £10s of millions
- Advising in respect of an anti-suit injunction, and applying for a stay of proceedings in Sierra Leone, for a dispute governed by an arbitration award.
- Acting for a company seeking to enforce a major arbitration award.
- Obtaining freezing injunctions in support of arbitration proceedings.

Bobby's work in arbitrations covers all stages of proceedings, from the pre-action stage through to the hearing itself, and enforcement after successfully obtaining an Award.