



Bobby Friedman

Call: 2011

bfriedman@wilberforce.co.uk

Clerks' Details

Danny Smillie +44 (0)20 7306 0102
Ben Rippengale tcj@wilberforce.co.uk
Nancy Lee
Antonia Matthew

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.
- *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).
- 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.



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.
- **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.