



## Bobby Friedman

Call: 2011

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*“He is impressive on his feet in court and he provides clear, pragmatic legal advice in conference.”*

Chambers & Partners 2019

### 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.

## Memberships

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

## Publications

- Contributing author, Kerr & Hunter on Receivers and Administrators
- The Commercial Court: a guide to the Guide
- Braganza and beyond: attacking the exercise of contractual discretion
- Pensions Liberation: Not So Easy as Pi
- The Duty of Good Faith post-IBM
- Defences in Tort: Ex Turpi Causa

## 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, as well as Russian/CIS disputes; company and insolvency; commercial trusts; and pensions. Bobby appears frequently in both the Commercial and Chancery Courts as well as in arbitrations. He has substantial offshore experience and has been called to the bar in the BVI.

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.”*

A snapshot of ongoing and recent cases includes:

- Acting as sole counsel for the defendant resisting a major Commercial Court fraud claim worth over £1 billion.
- As sole counsel in a number of separate High Court fraud claims arising out of email “phishing” attacks. Bobby has successfully obtained (and held) a number of freezing injunctions as well as Norwich Pharmacal/Bankers Trust relief (3 separate cases, ongoing); *Solid property v Singh* [2018] 3 WLUK 589.



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## Practice Overview continued

- Acting for a major international company resisting the enforcement of an arbitration award worth some \$3 billion, in the Commercial Court **AB v CD** [2019].
- Representing a company bringing a number of LCIA arbitration claims in fraud arising from a Russian dispute, worth hundreds of millions of pounds (ongoing).
- BVI proceedings concerning whether a trust of shares in a very high-profile Ukrainian company is a fraud (ongoing).
- Acting for an inter-dealer broker bringing a major High Court claim for conspiracy and breach of confidentiality (ongoing).
- A major Commercial Court claim for a client seeking damages in deceit and unlawful means conspiracy. Bobby was part of a team that successfully obtained a number of freezing injunctions (**Gerald Metals v Timis** [2017] EWHC 1375)
- Representing the administrators of Force India defending a very substantial Chancery Division claim concerning the sale of the Formula One team's business and assets (ongoing).
- Acting in an LCIA arbitration for a client seeking damages of hundreds of millions of pounds arising from breaches of a contract concerning the operation of a mine (ongoing).
- Acting in an LME arbitration concerning the non-delivery of copper concentrate (ongoing).
- 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**).
- **Alberto Chang Abate** (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).
- 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 (2018, adjourned).
- 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.
- 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)).



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## 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 Dalgleish 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 Dalgleish 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.



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## 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.