



Richard Samuel

Year of Call: 1996

**Areas of law:** Civil Fraud, Commercial, Employment, Insolvency, International, Professional Negligence, Public, Administrative and Constitutional Law,

With a broad commercial practice, Richard is instructed in a range of areas including contract law, fiduciary duties, company law, negligence and employment law. Richard's work has a strong international dimension stemming from his arbitrations, covering disputes from a range of jurisdictions. Underpinning his practice is a strong involvement with advocacy training. Richard is frequently invited to lecture on advocacy skills and to teach lawyers from jurisdictions worldwide.

### **Commercial litigation**

Richard's main dispute-resolution practice lies in international commercial trade, particularly:

- Financial services
- Biotechnology
- Pharmaceuticals
- Licensed betting sectors
- Shipping
- Shareholder / director disputes in owner-managed businesses

Cases include:

- *McTear & Williams v Engelhart & others*. Dispute over whether a contra entry in a p&l ledger after the onset of insolvency was in breach of fiduciary and duty of care. [2014] EWHC 1056 (Ch)
- *Clipper Projectships Limited v UAB "BG Logistics"*. Acting for Defendant Lithuanian shipping company defending action for damages by shipowner for loss of time charter of a ship for letting it be arrested in Korea. Concurrent proceedings in the commercial court and LMAA arbitration. £3m.
- *Re a Property*. A litigation dispute over a shareholder's agreement between Russian oligarch and co-investors. Unfair prejudice. £15m+.
- *Active Newham v Legend Club Management Systems (UK) Limited*. Acting for the terminating party in a litigation dispute over the early termination of an IT procurement contract. £750k.

## **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.

Cases include:

- *Ingenio Azucarero 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. Value US\$1m. Instructed by lawyers in Bolivia.
- *Macsteel International Far East Limited v Conares Limited*. DIFC-LCIA international arbitration. Acting for Claimants in dispute over a contract for the sale of steel from China to Dubai. Bills of Lading, Letters of Credit. Fraud. Value US\$2m. Instructed by lawyers in the Netherlands and Dubai.
- *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. Value in excess of £1m.
- *A Ltd v B Ltd*. International arbitration. Acting for Claimant in M&A dispute over a company which owns rights over an oil field in Iraq. Value £300m. Fraud.

## **Employment Law**

Early on in his career Richard's practice had an emphasis on employment law. Taking many disputes to the EAT and the Court of Appeal, his experience includes whistle-blowing, discrimination, harassment and restrictive covenants.

Cases include:

- *Impact teachers Limited v Schmidt*. Acting for employer in shareholder and employment dispute, restrictive covenants, good leaver / bad leaver clause. High court and ET.
- *Hibbert v Apple Europe Ltd*. Procedural appeal to EAT. Under ELAAS scheme at the PH, then the Pro Bono Unit. Appeal successful on 24/1/12.
- *Wanklyn v TigerTMS Limited*. Acting for Claimant CEO of software engineering company in claim for wrongful and unfair dismissal. Bad leaver clause and share options. Fraud. Value £250,000.
- *Jarvis v Shoppers Pharmacy Ltd*. Before the Privy Council, led by James Guthrie QC. Successfully appealing the decision of the Court of Appeal of Antigua and Barbada that the appellant was not unfairly dismissed [2010] UKPC 5.

## **Advocacy**

Richard has strong involvement with advocacy training. Inspired by the high calibre of training at Middle Temple, Richard collaborated with fellow trainers to found the International Advocacy Academy ("IAA"). The IAA takes the highly-developed common law techniques of advocacy to lawyers from jurisdictions around the world who also act as counsel in international arbitrations. Richard has lectured and conducted training in the highly varied legal contexts of London, Venice, Milan, Frankfurt and der Oder, Basel, Zurich, Helsinki, Dubai and Kuala Lumpur.

He is also an expert in training arbitrators for the Chartered Institute of Arbitrators, of which he is a fellow, and assisting them in their decision-making and communication techniques in oral hearings. He has run these courses in London, Dubai and Kuala Lumpur. His reputation as an advocate combined with experience of arbitrations means that Richard is often called upon to advise on advocacy techniques before arbitration panels.

### **Networks/ Professional membership**

- AIJA (Association Internationale des Jeunes Avocats/ The International Association of Young Lawyers)
- American Bar Association Section of International Law (ABA SIL)
- COMBAR (Commercial Bar Association) which he is assisting setting up its European branch
- Chancery Bar Association
- Employment Lawyers Association
- Employment Law Bar Association
- British Italian Law Association

### **Publications and Lectures**

- ICC YAF Zurich December 21014, moderating a panel of eight lawyers from around the world on their approach to and expectations of cross examination (link to programme)
- Effective Oral Advocacy: How to persuade the arbitrators”
- Helsinki International Arbitration Day 2013, Wednesday 22 May 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