



## Richard Spearman KC

Year of call: 1977 | Silk: 1996

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*"He is extremely clever and knows exactly how to present a case to a judge." The Legal 500*

Richard has a wide-ranging practice which includes commercial fraud, tracing, media and entertainment, film and music industry law, sports law, insurance, and professional negligence.

Richard has appeared in many high-profile and reported cases; was briefed in the House of Lords/Supreme Court in *Grobelaar v NGN*, *Campbell v MGN*, *Cream Holdings v Banerjee*, *Polanski v Conde Nast*, and *Ivey v Genting Casinos*; has appeared in numerous cases in the Court of Appeal and all divisions of the High Court; and has advised on and appeared in litigation overseas (Bahamas, Cayman Islands, Hong Kong, Malaysia) as well as in commercial, media and sport arbitrations.

Richard was shortlisted for "Barrister of the Year" in 2003, was the inaugural The Legal 500 IP, IT and Media Silk of the Year 2013, and is highly recommended in legal directories.

Richard sits as a deputy High Court judge in both the Chancery Division and the King's Bench Division (including Media and Communications (MAC) List). He accepts appointments as an arbitrator and has been nominated by a party or appointed by the arbitral body in London Court of International Arbitration (LCIA), World Intellectual Property Organization (WIPO) and International Chamber of Commerce (ICC) arbitrations. He has been called to the Bars of Gibraltar, Trinidad and Tobago and the Eastern Caribbean Supreme Court (BVI).

## Areas of expertise

Information and Media

Commercial

Alternative Dispute Resolution

Sport

## Commercial

Richard has extensive and wide-ranging knowledge and experience of commercial law. His practice includes fraud, tracing, insurance, reinsurance, banking, and gaming contracts; and in his capacity as an

arbitrator and a deputy High Court judge sitting in the Chancery Division he has considered and determined disputes concerning the interpretation and performance of contracts, employment, insolvency, shareholders' rights, directors' duties, trusts, injunctions, and jurisdictional issues.

## Cases of note

- ***Ivey v Genting Casinos UK Ltd (t/a Crockfords Club)* [2018] AC 291 (Supreme Court)** - cheating at gambling; test for dishonesty.
- ***Fairstar Heavy Transport NV v Adkins* [2014] EMLR 312 (CA)** - whether principal has a proprietary right to emails sent and received by agent; whether principal entitled to inspect and copy such emails.
- ***Independent Trustee Services Ltd v GP Noble Ltd* [2012] Ch 91(CA)** - tracing claim; loss of bona fide purchaser for value defence by the wife of a constructive trustee who set aside a matrimonial consent order in her favour.
- ***Papamichael v National Westminster Bank Ltd* [2003] 1 Lloyd's Rep 341 (Commercial Court)** - banking; SWIFT stating 2 billion Greek drachmas remitted for "further credit" of claimant; bank allowing claimant's husband to use monies as collateral for forex trading; monies lost; whether claimant entitled to succeed against bank in claims for restitution, dishonest assistance and unconscionable receipt.
- ***Athletic Union of Constantinople v National Basketball Association* [2002] 3 All ER 987 (CA)** - whether Court of Appeal has jurisdiction to grant permission to appeal from High Court decision on a challenge to an arbitration award on grounds of lack of jurisdiction.
- ***Kazakstan Wool Producers (Europe) Ltd v NCM* [2000] All ER 708 (Comm Cas) (CA)** - insurance; construction of contract for export credit insurance.
- ***C v S* [1999] 2 All ER 343 (CA)** - civil fraud/tracing; Norwich Pharmacal/Bankers Trust Orders; production of documents by bank; risk of prosecution for "tipping off"; procedure to be followed.

## Memberships

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- Chancery Bar Association
- Bar Sports Law Group

## Qualifications

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### Education

- 1971-1974 King's College, Cambridge (BA 1974, MA 1976)

## Additional information

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### Appointments

- 1996 Queen's Counsel
- 1998 Recorder of the Crown Court 1998
- 2004 Recorder of the County Court
- 2006 Bencher Middle Temple
- 2012 Head of Chambers, 4-5, Gray's Inn Square
- 2013 Deputy High Court Judge (Chancery Division)
- 2019 (February) Deputy High Court Judge (Queen's Bench Division)
- 2019 (October) appointed a Media and Communications List Judge

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