



## RICHARD SPEARMAN QC

Year called 1977

Silk 1996

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“A first-class advocate, especially for matters in the Court of Appeal and Supreme Court.”

“He is extremely clever and knows exactly how to present a case to a judge”

Legal 500 2015

Richard Spearman QC has a wide ranging general chancery, commercial and common law practice. In particular, he is regularly instructed in cases involving commercial fraud, tracing, media and entertainment, the film and music industries, sports law, insurance, and professional negligence.

He has appeared in many high profile and reported cases, including cases concerning restraint of trade, freezing injunctions, letters of credit, civil fraud, tracing, judicial review, disclosure, insurance, defamation, copyright, confidence, private information, data protection, professional negligence, gaming, personal injury and costs. He was briefed in the House of Lords/Supreme Court in *Grobbelaar v NGN*, *Campbell v MGN*, *Cream Holdings v Banerjee*, *Polanski v Conde Nast*, and *Ivey v Genting Casinos*, and has appeared in numerous cases in the Court of Appeal and all divisions of the High Court, as well as advising on and appearing in litigation overseas (Bahamas, Cayman Islands, Hong Kong, Malaysia) and in commercial, media and sport arbitrations.

Richard was shortlisted for “Barrister of the Year” in 2003, was the inaugural Legal 500 IP, IT and Media Silk of the Year 2013, and is currently or has recently been recommended in Chambers & Partners and the Legal 500 in: Media and Entertainment; Defamation and Privacy; Data Protection; Sport; Administrative and Public Law; and Fraud (Civil).

Richard is a Recorder of the Crown Court and of the County Court and a Deputy High Court Judge. He accepts appointments as an arbitrator and has been appointed as an arbitrator by the London Court of International Arbitration (LCIA Rules). He has been called to the Bars of Gibraltar, Trinidad and Tobago and the Eastern Caribbean Supreme Court (BVI).

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## PRACTICE AREAS

- Commercial
- Intellectual Property

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## SECTORS

- Sport
- Media & Entertainment

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## PRACTICE AREAS

### COMMERCIAL

Commercial – reported cases include:

*Ivey v Genting Casinos UK Ltd (t/a Crockfords Club)* [2015] LLR 98 (Mitting J) (whether using technique of “edge-sorting” constitutes cheating at gambling for purposes of civil law)

*Fairstar Heavy Transport NV v Adkins* [2014] EMLR 312 (Court of Appeal) (whether principal has a proprietary right to emails sent and received by an agent in relation to the business of the principal; whether an agent has a duty to permit the principal to inspect and copy such emails).

*Space Airconditioning plc v Guy* [2013] 1 WLR 1293 (Court of Appeal) (whether trial judge’s refusal to correct an admitted error in a judgment constitutes an “irregularity in the proceedings” rendering the decision unjust within the meaning of CPR r 52.11(3))

*Independent Trustee Services Ltd v GP Noble Ltd* [2012] 3 WLR 597 (Court of Appeal) (claim by pension fund trustees to trace misappropriated funds; CA holding that after she had set aside a matrimonial consent order in her favour, Mrs M, the wife of one of those found liable as constructive trustees in proceedings in the Chancery Division, could no longer rely on that order to support the defence of being a bona fide purchaser for value without notice of extracted monies received by her, and that she accordingly had no answer to their tracing claim).

*National Westminster Bank v Malhan* (2004) 2 P&CR D9 (Sir Andrew Morritt V-C) (action by bank giving rise to issues concerning right to respect for home, property and discrimination in possession actions).

*Papamichael v National Westminster Bank Ltd* (2003) 1 Lloyd’s Rep 341 (QB Commercial Court, HH Judge Chambers QC) (banking; SWIFT stating GDR 2 billion 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) 1 Lloyd’s Rep 305 (Richard Field QC)

(arbitration; award; dispute as to jurisdiction; sections 33(1), 67, 69, 73(1) Arbitration Act 1996) and (2002) 3 All ER 987 (Court of Appeal) (arbitration; award; challenge to award on grounds of lack of jurisdiction; whether Court of Appeal has jurisdiction to grant permission to appeal from decision of High Court on such a challenge; section 67(4) Arbitration Act 1996).

*Kazakhstan Wool Producers (Europe) Ltd v NCM* (1999) 2 All ER 445 (Comm Cas) (Toulson J) and (2000) All ER 708 (Comm Cas) (Court of Appeal) (insurance; construction of contract for export credit insurance).

*C v S* (1999) 2 All ER 343 (Court of Appeal) (civil fraud/tracing; Norwich Pharmacal/Bankers Trust Orders; production of documents by banks and other financial institutions; risk of prosecution for “tipping off”; procedure to be followed).

*A & J Fabrications Ltd v Grant Thornton (No 2)* (1999) Times Law Reports 588 (Astill J) (whether tortious duty of care owed to creditor by solicitor advising liquidator).

*A & J Fabrications v Grant Thornton* (1998) 2 BCLC 227 (Jacob J) (contractual and tortious duty of care owed by liquidator to creditor).

*HIB Ltd v Guardian Insurance Co Inc* (1997) 1 Lloyd’s Rep 412 (Longmore J) (reinsurance; RSC Order 11; forum non conveniens).

*Formica v Secretary of State acting by the Export Credit Guarantee Department* (1995) 1 Lloyd’s Rep 692 (Colman J) (discovery; privilege; terms of ECGD guarantee).

*Brinks Ltd v Abu Saleh* (Nos 1 and 2) (1995) 1 WLR 1478 and 1487 (Jacob J and Rimer J respectively) (civil fraud/tracing; whether delay a bar to summary judgment; whether transcript of judge’s summing up in criminal trial admissible in evidence in subsequent civil proceedings).

*R v Birmingham City Council ex p Ferrero Ltd* (1993) 1 All ER 530 (Court of Appeal) (judicial review; Consumer Protection Act; whether decision banning goods susceptible to judicial review).

*R v Jockey Club ex p Aga Khan* (1993) 1 WLR 909 (Court of Appeal) (judicial review; tribunal decision to disqualify racehorse; whether decisions of the Jockey Club amenable to judicial review).

*R v Jockey Club ex p RAM Racecourses Ltd* (1993) 2 All ER 225 (Divisional Court) (judicial review; whether Jockey Club report raised legitimate expectation as to grant of fixtures to applicant; whether decision of the Jockey Club amenable to judicial review).

*Istel (A. T. & T.) Ltd v Tully* (1992) QB 315 (Court of Appeal) and (1993) AC 45 (House of Lords) (civil fraud; privilege against self-incrimination).

*Mannesman Handel AG v Kaunlaran Shipping Corporation and Ors* (1993) 1 Lloyd’s Rep 89 (Saville J) (liability of bank to make payment under letter of credit; bank holding proceeds of sale of goods; bank knowing sale negotiated dishonestly with use of false documents).

*Alltrans Inc v Interdom Holdings Ltd* (1991) 2 Lloyd’s Rep 571 (Court of Appeal) (Mareva injunction; parallel Dutch and English proceedings; jurisdiction under s25 Civil Jurisdiction and Judgments Act 1982).

*Warren v Mendy* (1989) 1 WLR 853 (Court of Appeal) (restraint of trade; whether boxing manager entitled to injunction to restrain new management).

*Saunders v Edwards* (1987) 1 WLR 1116 (Court of Appeal) (deceit; whether claim defeated by illegality in contract; whether interest should be awarded on damages for inconvenience and disappointment)

## INTELLECTUAL PROPERTY

Intellectual property – reported cases include:

*Fairstar Heavy Transport NV v Adkins* [2014] EMLR 312 (Court of Appeal) (whether principal has a proprietary right to emails sent and received by an agent in relation to the business of the principal; whether an agent has a duty to permit the principal to inspect and copy such emails).

*Twentieth Century Fox v Harris* [2013] Ch 41 (Newey J) (whether a copyright owner has a proprietary claim over the proceeds of infringement of copyright)(and see also [2014] EWHC 1568 (Ch) (Barling J) for the outcome of the trial).

*Twentieth Century Fox v BT* (Nos 1 and 2) [2012] 1 All ER 806 and 869 (Arnold J) (first substantive application brought under section 97A, Copyright Designs and Patents Act 1988).

*Scopelight Ltd and Others v Chief Constable of Northumbria Police and Federation Against Copyright Theft* [2010] QB 438 (Court of Appeal) (police powers to retain seized property pending private prosecution; Article 8).

*Johnson v MDU* (2007) 96 BMLR 99 (Court of Appeal) (data protection; processing; pecuniary loss; causation; whether compensation for harm to reputation envisaged in the Data Protection Act 1998).

*Independiente Ltd v Music Trading On-Line (HK) Ltd* (2007) EMLR 651 (Evans Lombe J) (copyright; breach of undertaking; consent orders; contempt of court; parallel imports; measure of damages).

*Sawkins v Hyperion Records Ltd* (2005) 1 WLR 3281 (Court of Appeal) (copyright; whether copyright subsisting in modern performing edition of historical musical composition).

*Sony v Easyinternet Cafe Ltd* (2003) FSR 882 (Peter Smith J) (copyright; whether provision of CD burning service by internet cafes infringed copyright in sound recordings downloaded from the internet; section 70 Copyright Designs and Patents, Act 1988).

*Nottinghamshire Healthcare National Health Service Trust v News Group Newspapers Ltd* (2002) EMLR 709 (Pumfrey J) (copyright; infringement; quantum; additional damages; whether exemplary damages can be awarded under s97(2) of the Copyright Designs and Patents Act 1988).

*Ashdown v Telegraph Group Ltd* (2001) Ch 685 (Sir Andrew Morritt V-C) and (2002) Ch 149 (Court of Appeal) (copyright; fair dealing; public interest; impact of Human Rights Act 1998 on protection afforded to copyright owners under the Copyright Designs and Patents Act 1988).

*Hyde Park Residence Ltd v Yelland* (1999) RPC 655 (Jacob J) and (2001) Ch 143 (Court of Appeal) (copyright; public interest and fair dealing defences). *AIRC v PPL* (1994) RPC 143 (Copyright Tribunal) (s135 Copyright Designs & Patents Act 1988; royalty and other terms appropriate for licensing scheme governing radio broadcasting of sound recordings; whether Copyright Tribunal has jurisdiction to award interest).

*Chater and Chater Productions Ltd v Rose & Anr* (1994) FSR 491 (Jacob J) (claim for infringement of copyright; whether early discovery appropriate; whether appropriate to grant injunction restraining showing of pantomime unless lyrics and score first disclosed to plaintiff).

*EMI Records Ltd v CD Specialists Ltd* (1992) FSR 70 (Hoffmann J) (copyright; whether Anton Piller order should be

discharged; whether Euro defences relying on exhaustion of rights, Article 30 of the Treaty of Rome and consent of copyright owner given in Germany should be struck out).

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## SECTORS

### SPORT

Sport (incorporating sports related media cases) – reported cases include:

*Ivey v Genting Casinos UK Ltd (t/a Crockfords Club)* [2015] LLR 98 (Mitting J) (whether using technique of “edge-sorting” constitutes cheating at gambling for purposes of civil law)

*Giggs (previously CTB) v News Group Newspapers Ltd* [2013] EMLR 111 (Tugendhat J) (striking out of claimant’s case; final hearing in proceedings for misuse of private information which involved an exploration of the workings of privacy law and interim injunctions in the light of the extensive dissemination of information by means of social networking and the internet, as well as the revelation of information in the Houses of Parliament).

*McLaren v News Group Newspapers Ltd* [2012] EMLR 729 (Lindblom J) (first contested injunction against the media involving a “kiss and tell” story since the Ryan Giggs and Fred Goodwin cases, in which relief was refused to the Claimant, a professional football manager and former manager of the England team).

*JIH v News Group Newspapers Ltd* [2011] 1 WLR 1645 (Court of Appeal) (principles to be applied in cases in which the Court is asked to make orders for anonymity, reporting restrictions or other restraints on publication of normally reportable details of a case).

*BBC v HarpersCollins* [2011] EMLR 103 (Morgan J) (confidential information; identity of “The Stig”; injunction).

*TUV v Persons Unknown* [2010] EMLR 494 (Eady J) (privacy injunction; obligation of applicant to give notice of application to media non-parties intended to be served with the injunction).

*Terry v Persons Unknown* [2010] EMLR 400 (Tugendhat J) (private information; injunction).

*Armstrong v Times Newspapers Ltd* (2006) 1 WLR 2462 (Court of Appeal) (defamation; court’s power to order different questions of fact to be tried by different modes of trial; judge’s decision that issue of meaning should be tried by judge alone upheld).

*Jockey Club v Buffham* (2003) QB 462 (Gray J) (whether final order for injunction operative against third party on “Spycatcher” principle; whether public interest in publication of material relating to performance of regulatory role of Jockey Club outweighed by Jockey Club’s right of confidence).

*A v B plc* (2001) 1 WLR 2341 (Jack J) and (2003) QB 195 (Court of Appeal) (confidence/privacy; injunction; claimant’s extra-marital affairs; guidelines for grant of interim relief in confidence cases).

*Athletic Union of Constantinople v National Basketball Association* (2002) 1 Lloyd’s Rep 305 (Richard Field QC) (arbitration; award; dispute as to jurisdiction; sections 33(1), 67, 69, 73(1) Arbitration Act 1996) and (2002) 3 All ER 987 (Court of Appeal) (arbitration; award; challenge to award on grounds of lack of jurisdiction; whether Court of Appeal has jurisdiction to grant permission to appeal from decision of High Court on such a challenge; section

67(4) Arbitration Act 1996).

*Grobbelaar v News Group Newspapers Ltd* (2001) 2 All ER 437 (Court of Appeal) (defamation; qualified privilege; reversal by Court of Appeal of perverse jury verdict on plea of justification) and (2002) 4 All ER 732 (House of Lords) (perversity; jurisdiction of House of Lords to assess damages; substitution of £1 for jury award of £85,000).

*Grobbelaar v Sun Newspapers Ltd* (1999) Times Law Reports 598 (Court of Appeal) (defamation; CPR; Court's power to exclude evidence).

*R v Jockey Club ex p Aga Khan* (1993) 1 WLR 909 (Court of Appeal) (judicial review; tribunal decision to disqualify racehorse; whether decisions of the Jockey Club amenable to judicial review).

*R v Jockey Club ex p RAM Racecourses Ltd* (1993) 2 All ER 225 (Divisional Court) (judicial review; whether Jockey Club report raised legitimate expectation as to grant of fixtures to applicant; whether decision of the Jockey Club amenable to judicial review).

*R v Jockey Club ex p Wright* (1991) COD 306 (Divisional Court) (judicial review; duty of full and frank disclosure on ex parte application for judicial review; setting aside of leave for material non disclosure).

*Warren v Mendy* (1989) 1 WLR 853 (Court of Appeal) (restraint of trade; whether boxing manager entitled to injunction to restrain new management).

## MEDIA & ENTERTAINMENT

Media and entertainment – reported cases include:

*Ivey v Genting Casinos UK Ltd (t/a Crockfords Club)* [2015] LLR 98 (Mitting J) (whether using technique of “edge-sorting” constitutes cheating at gambling for purposes of civil law)

*ZAM v CFW and TFW* [2013] EMLR 565 (Tugendhat J) (defamation; harassment; blackmail; whether claimant entitled to a permanent anonymity order; £120,000 damages and aggravated damages).

*Giggs (previously CTB) v News Group Newspapers Ltd* [2013] EMLR 111 (Tugendhat J) (striking out of claimant's case; final hearing in proceedings for misuse of private information which involved an exploration of the workings of privacy law and interim injunctions in the light of the extensive dissemination of information by means of social networking and the internet, as well as the revelation of information in the Houses of Parliament).

*McLaren v News Group Newspapers Ltd* [2012] EMLR 729 (Lindblom J) (first contested injunction against the media involving a “kiss and tell” story since the Ryan Giggs and Fred Goodwin cases, in which relief was refused to the Claimant, a professional football manager and former manager of the England team).

*Goodwin v News Group Newspapers Ltd (No 3)* [2011] EMLR 502 (Tugendhat J) (variation of injunction to permit disclosure of job description of the Claimant's mistress).

*Ambrosiadou v Coward* [2011] EMLR 419 (Court of Appeal) (injunction to provide protection on the “Spycatcher” principle against third parties to whom the Defendant had disseminated private material where Defendant no longer threatening further action; identification of the steps which parties should take to facilitate that wherever possible hearings should take place in public).

*JIH v News Group Newspapers Ltd* [2011] 1 WLR 1645 (Court of Appeal) (principles to be applied in cases in which the Court is asked to make orders for anonymity, reporting restrictions or other restraints on publication of normally reportable details of a case).

*BBC v Harpercollins* [2011] EMLR 103 (Morgan J) (confidential information; injunction).

*TUV v Persons Unknown* [2010] EMLR 494 (Eady J) (privacy injunction; obligation of applicant to give notice of application to media non-parties intended to be served with the injunction).

*Terry v Persons Unknown* [2010] EMLR 400 (Tugendhat J) (private information; injunction).

*Re Child X* (Residence and Contact – Rights of media attendance – FPR Rule 10.28(4)) (2009) EMLR 26 (Sir Mark Potter P) (test case about the principles to be applied in relation to media access and reporting in family law cases concerning the children of celebrities).

*WER v REW* (2009) EMLR 304 (Sir Charles Gray) (appropriate procedure where a litigant intends to serve an injunction upon one or more third parties in reliance on the “Spycatcher” principle; compliance with Practice Direction to CPR 25).

*Murray v Express Newspapers plc* (2009) Ch 481 (Court of Appeal) (successful appeal of David Murray, the infant son of the author J.K. Rowling and her husband Dr Neil Murray, from the dismissal by Patten J of his claims against a photographic agency for misuse of private information and under the Data Protection Act 1998).

*Johnson v MDU* (2007) 96 BMLR 99 (Court of Appeal) (data protection; processing; pecuniary loss; causation; whether compensation for harm to reputation envisaged in the Data Protection Act 1998).

*Lord Browne of Madingley v Associated Newspapers Ltd* (2007) EMLR 515 (Eady J) (confidence/privacy; false statements; extent to which grant of interim injunction appropriate).

*X v Persons Unknown* (2007) EMLR 290 (Eady J) (injunctions against persons unknown; appropriate procedure where a litigant intends to serve an injunction upon one or more third parties in reliance on the “Spycatcher” principle).

*Armstrong v Times Newspapers Ltd* (2006) 1 WLR 2462 (Court of Appeal) (defamation; court’s power to order different questions of fact to be tried by different modes of trial; judge’s decision that issue of meaning should be tried by judge alone upheld).

*Campbell v MGN Ltd* (No 2) (2005) 1 WLR 3394 (House of Lords) (confidence/privacy; whether a system of law that allows success fees for which provision is made in a CFA to be recoverable from the losing party in a free speech case is incompatible with Article 10).

*Green Corns Ltd v Claverley Group Ltd* (2005) EMLR 748 (Tugendhat J) (confidence/privacy; whether injunction should be granted to restrain newspaper from publishing information about care homes).

*Greene v Associated Newspapers Ltd* (2005) QB 972 (Court of Appeal) (defamation; interim injunction; whether rule in *Bonnard v Perryman* compatible with claimant’s Article 8 rights; whether court should ask whether proposed defence more likely than not to fail).

*Polanski v Conde Nast Ltd* (2005) 1 WLR 637 (House of Lords) (defamation; whether claimant should be permitted to give evidence by video conference link from abroad to avoid risk of arrest and extradition).



*Cream Holdings Ltd v Banerjee* (2005) AC 253 (House of Lords) (confidence; injunction; meaning of n“likely” in section 12(3) Human Rights Act 1998; whether interim injunction should be granted).

*Collins Stewart v Financial Times Ltd* (2005) EMLR 64 (Tugendhat J) (defamation; parent and subsidiary company suing newspaper for libel; whether claim for special damages based on the fall in share value of the parent company following publication should be struck out).

*Campbell v MGN Ltd* (2003) QB 633 (Court of Appeal) and (2004) 2 AC 457 (House of Lords) (confidence/privacy; right of media to set the record straight where a public figure chooses to misinform the public about his or her private life; whether disclosure of private information was in breach of confidence; Data Protection Act 1998: meaning of “processing” and scope of section 32 exemption).

*Attorney-General v Parry* (2004) EMLR 223 (Lewison J) (confidence; contract; public interest; whether interim injunction should be granted to restrain further publication of information about Royal households acquired by a journalist from his employment as a footman at Buckingham Palace).

*Jockey Club v Buffham* (2003) QB 462 (Gray J) (whether final order for injunction operative against third party on “Spycatcher” principle; whether public interest in publication of material relating to performance of regulatory role of Jockey Club outweighed by Jockey Club’s right of confidence).

*A v B plc* (2001) 1 WLR 2341 (Jack J) and (2003) QB 195 (Court of Appeal) (confidence/privacy; injunction; claimant’s extra-marital affairs; guidelines for grant of interim relief in confidence cases).

*Chase v News Group Newspapers Ltd* (2003) EMLR 218 (Court of Appeal) (defamation; justification; conduct rule; repetition/hearing rule; compatibility with Article 10).

*Loutchansky v Times Newspapers Ltd* (2002) QB 321 (Court of Appeal) (defamation; qualified privilege; whether publisher entitled to rely on facts unknown to him at the date of publication) and (Nos 2-5) (2002) QB 783 (Court of Appeal) (defamation; qualified privilege; test for duty to publish; single publication rule; summary disposal).

*Theakston v MGN Ltd* (2002) EMLR 398 (Ouseley J) (confidence/privacy; injunction; whether publication of story and photographs relating to claimant’s visit to brothel should be permitted).

*Mills v News Group Newspapers Ltd* (2001) EMLR 957 (Lawrence Collins J) (confidence/privacy; Human Rights Act 1998; whether prior restraint by injunction appropriate).

*Grobbelaar v News Group Newspapers Ltd* (2001) 2 All ER 437 (Court of Appeal) (defamation; qualified privilege; reversal by Court of Appeal of perverse jury verdict on plea of justification) and (2002) 4 All ER 732 (House of Lords) (perversity; jurisdiction of House of Lords to assess damages; substitution of £1 for jury award of £85,000).

*Grobbelaar v Sun Newspapers Ltd* (1999) Times Law Reports 598 (Court of Appeal) (defamation; CPR; Court’s power to exclude evidence).



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## CASES

Reported cases include (in reverse date order):

- *Dunnage v Randall* [2015] All ER (D) 49 (Jul) (Court of Appeal) (liability in tort of negligence of persons suffering from mental illness; construction of policy of insurance providing cover for accidental bodily injury)
- *Blankley v Central Manchester and Manchester Children's University Hospitals NHS Trust* [2015] 1 Costs LR 119 (Court of Appeal) (whether CFA terminated by frustration due to supervening incapacity of client)
- *Ivey v Genting Casinos Ltd (t/a Crockford Club)* [2015] LLr 98 (Mitting J) (whether using technique of "edge-sorting" constitutes cheating at gambling for purposes of civil law).
- *Fairstar Heavy Transport NV v Adkins* [2014] EMLR 312 (Court of Appeal) (whether principal has a proprietary right to emails sent and received by an agent in relation to the business of the principal; whether an agent has a duty to permit the principal to inspect and copy such emails).
- *ZAM v CFW and TFW* [2013] EMLR 565 (Tugendhat J) (defamation; harassment; blackmail; whether claimant entitled to a permanent anonymity order; £120,000 damages and aggravated damages).
- *Space Airconditioning plc v Guy* [2013] 1 WLR 1293 (Court of Appeal) (whether trial judge's refusal to correct an admitted error in a judgment constitutes an "irregularity in the proceedings" rendering the decision unjust within the meaning of CPR r 52.11(3))
- *Twentieth Century Fox v Harris* [2013] Ch 41 (Newey J) (whether a copyright owner has a proprietary claim over the proceeds of infringement of copyright)(and see also [2014] EWHC 1568 (Ch)(Barling J) for the outcome of the trial).
- *Giggs (previously CTB) v News Group Newspapers Ltd* [2013] EMLR 111 (Tugendhat J) (striking out of claimant's case; final hearing in proceedings for misuse of private information which involved an exploration of the workings of privacy law and interim injunctions in the light of the extensive dissemination of information by means of social networking and the internet, as well as the revelation of information in the Houses of Parliament).
- *Independent Trustee Services Ltd v GP Noble Ltd* [2012] 3 WLR 597 (Court of Appeal) (claim by pension fund trustees to trace misappropriated funds; CA holding that after she had set aside a matrimonial consent order in her favour, Mrs M, the wife of one of those found liable as constructive trustees in proceedings in the Chancery Divison, could no longer rely on that order to support the defence of being a bona fide purchaser for value without notice of extracted monies received by her, and that she accordingly had no answer to their tracing claim).
- *McLaren v News Group Newspapers Ltd* [2012] EMLR 729 (Lindblom J) (first contested injunction against the media involving a "kiss and tell" story since the Ryan Giggs and Fred Goodwin cases, in which relief was refused to the Claimant, a professional football manager and former manager of the England team).
- *Twentieth Century Fox v BT (Nos 1 and 2)* [2012] 1 All ER 806 and 869 (Arnold J) (first substantive application brought under section 97A, Copyright Designs and Patents Act 1988).

- *Goodwin v News Group Newspapers Ltd* (No 3) [2011] EMLR 502 (Tugendhat J) (variation of injunction to permit disclosure of job description of the Claimant's mistress).
- *Ambrosiadou v Coward* [2011] EMLR 419 (Court of Appeal) (injunction to provide protection on the "Spycatcher" principle against third parties to whom the Defendant had disseminated private material where Defendant no longer threatening further action; identification of the steps which parties should take to facilitate that wherever possible hearings should take place in public).
- *JIH v News Group Newspapers Ltd* [2011] 1 WLR 1645 (Court of Appeal) (principles to be applied in cases in which the Court is asked to make orders for anonymity, reporting restrictions or other restraints on publication of normally reportable details of a case).
- *BBC v HarpersCollins* [2011] EMLR 103 (Morgan J) (confidential information; injunction).
- *TUV v Persons Unknown* [2010] EMLR 494 (Eady J) (privacy injunction; obligation of applicant to give notice of application to media non-parties intended to be served with the injunction).
- *Terry v Persons Unknown* [2010] EMLR 400 (Tugendhat J) (private information; injunction).
- *Scopelight Ltd and Others v Chief Constable of Northumbria Police and Federation Against Copyright Theft* [2010] QB 438 (Court of Appeal) (police powers to retain seized property pending private prosecution; Article 8).
- *Re Child X* (Residence and Contact – Rights of media attendance – FPR Rule 10.28(4)) (2009) EMLR 26 (Sir Mark Potter P) (test case about the principles to be applied in relation to media access and reporting in family law cases concerning the children of celebrities).
- *WER v REW* (2009) EMLR 304 (Sir Charles Gray) (appropriate procedure where a litigant intends to serve an injunction upon one or more third parties in reliance on the "Spycatcher" principle; compliance with Practice Direction to CPR 25).
- *Murray v Express Newspapers plc* (2009) Ch 481 (Court of Appeal) (successful appeal of David Murray, the infant son of the author J.K. Rowling and her husband Dr Neil Murray, from the dismissal by Patten J of his claims against a photographic agency for misuse of private information and under the Data Protection Act 1998).
- *Johnson v MDU* (2007) 96 BMLR 99 (Court of Appeal) (data protection; processing; pecuniary loss; causation; whether compensation for harm to reputation envisaged in the Data Protection Act 1998).
- *Independiente Ltd v Music Trading On-Line (HK) Ltd* (2007) EMLR 651 (Evans Lombe J) (copyright; breach of undertaking; consent orders; contempt of court; parallel imports; measure of damages).
- *Lord Browne of Madingley v Associated Newspapers Ltd* (2007) EMLR 515 (Eady J) (confidence/privacy; false statements; extent to which grant of interim injunction appropriate).
- *X v Persons Unknown* (2007) EMLR 290 (Eady J) (injunctions against persons unknown; appropriate procedure where a litigant intends to serve an injunction upon one or more third parties in reliance on the "Spycatcher" principle).
- *Armstrong v Times Newspapers Ltd* (2006) 1 WLR 2462 (Court of Appeal) (defamation; court's power to order different questions of fact to be tried by different modes of trial; judge's decision that issue of meaning should be tried by judge alone upheld).
- *Campbell v MGN Ltd* (No 2) (2005) 1 WLR 3394 (House of Lords) (confidence/privacy; whether a

system of law that allows success fees for which provision is made in a CFA to be recoverable from the losing party in a free speech case is incompatible with Article 10).

- *Green Corns Ltd v Claverley Group Ltd* (2005) EMLR 748 (Tugendhat J) (confidence/privacy; whether injunction should be granted to restrain newspaper from publishing information about care homes).
- *Sawkins v Hyperion Records Ltd* (2005) 1 WLR 3281 (Court of Appeal) (copyright; whether copyright subsisting in modern performing edition of historical musical composition).
- *Greene v Associated Newspapers Ltd* (2005) QB 972 (Court of Appeal) (defamation; interim injunction; whether rule in *Bonnard v Perryman* compatible with claimant's Article 8 rights; whether court should ask whether proposed defence more likely than not to fail).
- *Polanski v Conde Nast Ltd* (2005) 1 WLR 637 (House of Lords) (defamation; whether claimant should be permitted to give evidence by video conference link from abroad to avoid risk of arrest and extradition).
- *Cream Holdings Ltd v Banerjee* (2005) AC 253 (House of Lords) (confidence; injunction; meaning of "likely" in section 12(3) Human Rights Act 1998; whether interim injunction should be granted).
- *Collins Stewart v Financial Times Ltd* (2005) EMLR 64 (Tugendhat J) (defamation; parent and subsidiary company suing newspaper for libel; whether claim for special damages based on the fall in share value of the parent company following publication should be struck out).
- *Campbell v MGN Ltd* (2003) QB 633 (Court of Appeal) and (2004) 2 AC 457 (House of Lords) (confidence/privacy; right of media to set the record straight where a public figure chooses to misinform the public about his or her private life; whether disclosure of private information was in breach of confidence; Data Protection Act 1998: meaning of "processing" and scope of section 32 exemption).
- *Attorney-General v Parry* (2004) EMLR 223 (Lewison J) (confidence; contract; public interest; whether interim injunction should be granted to restrain further publication of information about Royal households acquired by a journalist from his employment as a footman at Buckingham Palace).
- *National Westminster Bank v Malhan* (2004) 2 P&CR D9 (Sir Andrew Morritt V-C) (action by bank giving rise to issues concerning right to respect for home, property and discrimination in possession actions).
- *Jockey Club v Buffham* (2003) QB 462 (Gray J) (whether final order for injunction operative against third party on "Spycatcher" principle; whether public interest in publication of material relating to performance of regulatory role of Jockey Club outweighed by Jockey Club's right of confidence).
- *A v B plc* (2001) 1 WLR 2341 (Jack J) and (2003) QB 195 (Court of Appeal) (confidence/privacy; injunction; claimant's extra-marital affairs; guidelines for grant of interim relief in confidence cases).
- *Chase v News Group Newspapers Ltd* (2003) EMLR 218 (Court of Appeal) (defamation; justification; conduct rule; repetition/hearing rule; compatibility with Article 10).
- *Papamichael v National Westminster Bank Ltd* (2003) 1 Lloyd's Rep 341 (QB Commercial Court, HH Judge Chambers QC) (banking; SWIFT stating GDR 2 billion 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").
- *Sony v Easyinternet Cafe Ltd* (2003) FSR 882 (Peter Smith J) (copyright; whether provision of CD

burning service by internet cafes infringed copyright in sound recordings downloaded from the internet; section 70 Copyright Designs and Patents, Act 1988).

- *Loutchansky v Times Newspapers Ltd* (2002) QB 321 (Court of Appeal) (defamation; qualified privilege; whether publisher entitled to rely on facts unknown to him at the date of publication) and (Nos 2-5) (2002) QB 783 (Court of Appeal) (defamation; qualified privilege; test for duty to publish; single publication rule; summary disposal).
- *Theakston v MGN Ltd* (2002) EMLR 398 (Ouseley J) (confidence/privacy; injunction; whether publication of story and photographs relating to claimant's visit to brothel should be permitted).
- *Nottinghamshire Healthcare National Health Service Trust v News Group Newspapers Ltd* (2002) EMLR 709 (Pumfrey J) (copyright; infringement; quantum; additional damages; whether exemplary damages can be awarded under s97(2) of the Copyright Designs and Patents Act 1988).
- *Athletic Union of Constantinople v National Basketball Association* (2002) 1 Lloyd's Rep 305 (Richard Field QC) (arbitration; award; dispute as to jurisdiction; sections 33(1), 67, 69, 73(1) Arbitration Act 1996) and (2002) 3 All ER 987 (Court of Appeal) (arbitration; award; challenge to award on grounds of lack of jurisdiction; whether Court of Appeal has jurisdiction to grant permission to appeal from decision of High Court on such a challenge; section 67(4) Arbitration Act 1996).
- *Mills v News Group Newspapers Ltd* (2001) EMLR 957 (Lawrence Collins J) (confidence/privacy; Human Rights Act 1998; whether prior restraint by injunction appropriate).
- *Grobbelaar v News Group Newspapers Ltd* (2001) 2 All ER 437 (Court of Appeal) (defamation; qualified privilege; reversal by Court of Appeal of perverse jury verdict on plea of justification) and (2002) 4 All ER 732 (House of Lords) (perversity; jurisdiction of House of Lords to assess damages; substitution of £1 for jury award of £85,000).
- *Ashdown v Telegraph Group Ltd* (2001) Ch 685 (Sir Andrew Morritt V-C) and (2002) Ch 149 (Court of Appeal) (copyright; fair dealing; public interest; impact of Human Rights Act 1998 on protection afforded to copyright owners under the Copyright Designs and Patents Act 1988).
- *Hyde Park Residence Ltd v Yelland* (1999) RPC 655 (Jacob J) and (2001) Ch 143 (Court of Appeal) (copyright; public interest and fair dealing defences).
- *Grobbelaar v Sun Newspapers Ltd* (1999) Times Law Reports 598 (Court of Appeal) (defamation; CPR; Court's power to exclude evidence).
- *Kazakstan Wool Producers (Europe) Ltd v NCM* (1999) 2 All ER 445 (Comm Cas) (Toulson J) and (2000) All ER 708 (Comm Cas) (Court of Appeal) (insurance; construction of contract for export credit insurance).
- *C v S* (1999) 2 All ER 343 (Court of Appeal) (civil fraud/tracing; Norwich Pharmacal/Bankers Trust Orders; production of documents by banks and other financial institutions; risk of prosecution for "tipping off"; procedure to be followed).
- *A & J Fabrications Ltd v Grant Thornton (No 2)* (1999) Times Law Reports 588 (Astill J) (whether tortious duty of care owed to creditor by solicitor advising liquidator).
- *A & J Fabrications v Grant Thornton* (1998) 2 BCLC 227 (Jacob J) (contractual and tortious duty of care owed by liquidator to creditor).
- *HIB Ltd v Guardian Insurance Co Inc* (1997) 1 Lloyd's Rep 412 (Longmore J) (reinsurance; RSC Order

11; forum non conveniens).

- *Formica v Secretary of State acting by the Export Credit Guarantee Department* (1995) 1 Lloyd's Rep 692 (Colman J) (discovery; privilege; terms of ECGD guarantee).
- *Brinks Ltd v Abu Saleh* (Nos 1 and 2) (1995) 1 WLR 1478 and 1487 (Jacob J and Rimer J respectively) (civil fraud/tracing; whether delay a bar to summary judgment; whether transcript of judge's summing up in criminal trial admissible in evidence in subsequent civil proceedings).
- *AIRC v PPL* (1994) RPC 143 (Copyright Tribunal) (s135 Copyright Designs & Patents Act 1988; royalty and other terms appropriate for licensing scheme governing radio broadcasting of sound recordings; whether Copyright Tribunal has jurisdiction to award interest).
- *Chater and Chater Productions Ltd v Rose & Anr* (1994) FSR 491 (Jacob J) (claim for infringement of copyright; whether early discovery appropriate; whether appropriate to grant injunction restraining showing of pantomime unless lyrics and score first disclosed to plaintiff).
- *R v Birmingham City Council ex p Ferrero Ltd* (1993) 1 All ER 530 (Court of Appeal) (judicial review; Consumer Protection Act; whether decision banning goods susceptible to judicial review).
- *R v Jockey Club ex p Aga Khan* (1993) 1 WLR 909 (Court of Appeal) (judicial review; tribunal decision to disqualify racehorse; whether decisions of the Jockey Club amenable to judicial review).
- *R v Jockey Club ex p RAM Racecourses Ltd* (1993) 2 All ER 225 (Divisional Court) (judicial review; whether Jockey Club report raised legitimate expectation as to grant of fixtures to applicant; whether decision of the Jockey Club amenable to judicial review).
- *Istel (A.T. & T.) Ltd v Tully* (1992) QB 315 (Court of Appeal) and (1993) AC 45 (House of Lords) (civil fraud; privilege against self-incrimination).
- *Mannesman Handel AG v Kaunlaran Shipping Corporation and Ors* (1993) 1 Lloyd's Rep 89 (Saville J) (liability of bank to make payment under letter of credit; bank holding proceeds of sale of goods; bank knowing sale negotiated dishonestly with use of false documents).
- *EMI Records Ltd v CD Specialists Ltd* (1992) FSR 70 (Hoffmann J) (copyright; whether Anton Piller order should be discharged; whether Euro?defences relying on exhaustion of rights, Article 30 of the Treaty of Rome and consent of copyright owner given in Germany should be struck out).
- *Alltrans Inc v Interdom Holdings Ltd* (1991) 2 Lloyd's Rep 571 (Court of Appeal) (Mareva injunction; parallel Dutch and English proceedings; jurisdiction under s25 Civil Jurisdiction and Judgments Act 1982).
- *R v Jockey Club ex p Wright* (1991) COD 306 (Divisional Court) (judicial review; duty of full and frank disclosure on ex parte application for judicial review; setting aside of leave for material non disclosure).
- *Warren v Mendy* (1989) 1 WLR 853 (Court of Appeal) (restraint of trade; whether boxing manager entitled to injunction to restrain new management).
- *Saunders v Edwards* (1987) 1 WLR 1116 (Court of Appeal) (deceit; whether claim defeated by illegality in contract; whether interest should be awarded on damages for inconvenience and disappointment).

## SEMINARS

- 'The State and Individual Rights of Information' (Middle Temple Kuala Lumpur Legal Conference, 19th September 2013).
- Privacy and the Internet – An Update (Four Jurisdictions Legal Conference, Dublin, 27 April 2013)'
- 'Privacy and the Internet' (Middle Temple South African Legal Conference in South Africa, 21st September 2012).
- Developments in the law of privacy' (IBC Defamation and Privacy Conference, 25th April 2012).
- 'New Media and the Law' (Middle Temple lecture, convenor and keynote speaker, 19th March 2012).
- 'Named and shamed: the demise of the super-injunction?'(Butterworth's "Regulating the Media" conference 2011).
- 'An update on the law of privacy' (Publishers' Association, 29th October 2010).
- 'Privacy – Is the private life of a sportsperson public property or should high profile individuals be afforded greater protection?' (British Association for Sport and the Law, 30th September 2010).
- 'Privacy – the swinging pendulum' (Constitutional and Administrative Law Bar Association seminar 2nd March 2010).
- 'Confidentiality and the Freedom of Information Act 2000' (4-5 Gray's Inn seminar, 25th March 2009).
- 'The Law of Privacy' (Middle Temple CPD day, 18th November 2006).
- 'FOI Exemptions for Confidential Information, Trade Secrets and Information that Affects Commercial Interests' (Seminar on Freedom of Information: The New Regime, 22nd September 2004).
- 'The Freedom of Information Act 2000 Exemption for Information Provided in Confidence' (Seminar on Information Rights, 4th March 2004).

## ARTICLES

- The State and Individual Rights of Information (Middle Temple Kuala Lumpur Legal Conference, 19th September 2013)
- Privacy and the Internet – An Update (Four Jurisdictions Legal Conference, Dublin, 27 April 2013)
- Privacy and the Internet (Middle Temple South African Legal Conference, 21st September 2012)
- Developments in the law of privacy (IBC Defamation and Privacy Conference, 25th April 2012)
- Disclosure of confidential information: Tournier and "disclosure in the interests of the bank" reappraised' (Journal of International Banking and Financial Law, February 2012)
- Named and shamed: the demise of the super-injunction? (Butterworth's 'Regulating the Media' conference 2011)
- Privacy – the swinging pendulum (Constitutional and Administrative Law Bar Association seminar 2nd March 2010)
- The Law of Privacy (Middle Temple CPD day, 18th November 2006)
- Is there a public interest in exposing the details of the private lives of celebrities; Verdict (the magazine



## RECOMMENDATIONS

### Chambers & Partners

#### Recommended as a leader in:

##### Defamation/Privacy (Band 1):

*"He is a lovely advocate."* (2017)

*"An advocate with real gravitas – he knows the world of privacy and defamation like very few others at the Bar."* (2015)

*"He has an outstanding intellect and is a preferred choice for dealing with complex claims particularly if injunction applications are required. He is excellent with clients and understands how to present his advice in the right way"* (2014)

*"fearsomely bright and incredibly hard-working"* (2013)

*"one of the greats" for privacy work and considered "an absolute rock"; "a true privacy specialist" who is "open, generous, and completely dependable"* (2012)

*"an obvious choice for privacy matters, [he] knows his subject back to front"* (2011)

*A "thorough genial individual (he) always puts himself out with us. He is brilliant to deal with and offers attention to detail... a master of many trades"* (2008)

##### Media and Entertainment (Band 1):

*"In terms of developing a brilliant rapport with the judge, there is no one better."* (2015)

*"Richard is very quick to assemble meetings at short notice, and is very good at presenting a case to a judge who may be unfamiliar with the area of law. He's very charming and very persuasive."* (2014)

*"very learned and fair" and "an advocate at the top of the tree, he is a highly creative, clear and effective barrister"* (2013)

*"an exceptionally fine lawyer, who is incredibly bright and very much in command of a case"; "An all round great guy" who is "just very, very good"; "a brilliant advocate who inspires confidence in court"* (2012)

*"smooth, subtle, clear and persuasive, [he] is an outstanding silk in this field who is a delightful courtroom performer" and "a real judges' favourite, he is the easiest person in the world to get along with and a super confident barrister"* (2011)

*"superb, reassuring and extremely confident... he has an added insight and empathy that is sometimes lacking in some barristers"* (2010)

*"he knows the wider media world backwards"* (2009)

*"Fantastic... praised for his charming manner, many sources lauding him as a clever, clear and talented advocate"* (2008)

##### Data Protection (Band 1):

*"He has great integrity and intellect. He gets on with every judge and is able to map a clear path to judgment in his client's favour."* (2017)

*"A man with outstanding intellect, who is brilliant with clients and almost always wins."*(2015)

*"Richard is impressive – he is obviously knowledgeable."* (2014)

*"Top practitioner" whose work is "making big inroads into the development of the law in this area"* (2012)



**Sport:**

*"just as comfortable in the sports sector as the media"* (2011)

*"man you can trust with cases of the highest importance"* (2009)

**Legal 500****Recommended as a leader in:****Defamation and Privacy (Band 2):**

*"He is extremely clever and knows exactly how to present a case to a judge."* (2015)

*"A leader in privacy law, particularly injunctions; very user friendly and adaptable."* (2014)

*"long held a reputation as a doyen of the bar"* (2012)

*"excellent, knowledgeable, available and not scared of hard work"* (2011)

*"persuasive and persistent advocacy"* (2010)

*"an aura few other counsel in the field possess...pragmatic and commercial with an amazing eye for detail and ability to retain information"* (2009)

*"brilliant, amenable, user friendly...someone who is in a tier of his own" and "highly skilled and experienced advocate who relishes cut and thrust"* (2008)

**Media/Entertainment and Sport (Band 2):**

*"A first-class advocate, especially for matters in the Court of Appeal and Supreme Court."* (2015)

*'Expertise in cases involving contractual issues, breach of confidence, privacy or data protection'"a first-class intellect, and practical common sense"* (2013)

*"a true master" who has a "considered and eloquent style" and "the ability to get the court on his side"* (2011).

*"outstanding", "always available" and "second to none"* (2010)

*"amazing knowledge and technical ability"* (2009)

*"superb all-round media lawyer...incredibly generous with his time and has an excellent sense of humour"* (2008)

*"described by solicitors as the best media silk in the country, praised for his brilliant delivery in court, being a real thinker, a lovely advocacy style"* (2007)

Richard is also been recommended as a leader in **Administrative and Public Law**, and **Civil Fraud**.

**Data Protection (band 2)**

*"Recommended for privacy-related matters."*(2014)

**Who's Who Legal:****Media & Entertainment (leading silks)**

*"Widely regarded as a 'titan' of the bar and one of its 'most impressive and intelligent advocates"*(2015)

**Legal Experts, 2012:**

Recommended expert in Defamation, Media & Entertainment and Sports Law.

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## APPOINTMENTS

Deputy High Court Judge (Chancery Division) (2013)

Head of 4 – 5 Gray's Inn Square Chambers (2012)

Bencher of the Middle Temple (2006)

Recorder of the Crown Court 1998 (and County Court 2004)

## MEMBERSHIPS

- COMBAR
  - Chancery Bar Association Bar
  - Sports Law Group
- 

## QUALIFICATIONS

Bedales; King's College Cambridge (MA) (1974)

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