

## Frederick Wilmot-Smith

YEAR OF CALL: 2018

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## Practice Overview

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Frederick joined Chambers in July 2019 following successful completion of his pupillage. He is developing a broad practice spanning all areas of Chambers' work, including commercial, EU/ competition and public law. He was previously an academic at the University of Oxford, where he is a Fellow of All Souls College. He has published widely on a range of subjects and taught, for example, graduate seminars in commercial remedies and restitution of unjust enrichment. His work has been cited before the United Kingdom Supreme Court, as well as other courts worldwide.

As a pupil, Frederick assisted his supervisors in cases spanning all areas of Chambers' core practice areas. These included a *Norwich Pharmacal* application in *Blue Power Group Sarl and others v Eni Norge AS* [2018] EWHC 3588 (Ch) (with Helen Davies QC, Fionn Pilbrow QC and Richard Eschwege); a freezing order in *Overseas-Chinese Banking Corporation Ltd v Global Tradinglinks Ltd* (with Richard Lord QC); an appeal to the Court of Appeal on the construction of a contract in *Minera Las Bambas SA v Glencore Queensland Lts* (Fionn Pilbrow QC); a judicial review of the Director of Legal Aid Casework's decision to refuse legal aid in *R (Liberty) v Director of Legal Aid Casework* (Martin Chamberlain QC and Sarah Love); and an intervention in an appeal to the Court of Justice of the European Union concerning the proper interpretation of the Transparency Regulation, in *PTC Therapeutics International Ltd v European Medicines Agency* (David Scannell).

## Commercial

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Frederick is now instructed to act, with Tim Lord QC and Hugo Leith, on *RAKIA v Azima*, which is listed for a month-long trial in January. As a pupil, he assisted in a range of commercial matters, including:

- *Blue Power Group Sarl and others v Eni Norge AS* [2018] EWHC 3588 (Ch): application for a Norwich Pharmacal order (with Helen Davies QC, Fionn Pilbrow QC and Richard Eschwege)
- *Minera Las Bambas SA v Glencore Queensland Lts*: construction of tax indemnities and warranties in a contract for the purchase of shares in a company which owns a copper mining project (with Fionn Pilbrow QC and Charlotte Thomas)
- *Overseas-Chinese Banking Corporation Ltd v Global Tradinglinks Ltd*: an application for a worldwide freezing order in a case concerning an alleged fraud in respect of a letter of credit (with Richard Lord QC)
- *Kufpec v EnQuest*: assisted in the preparation of a prospective preliminary issue, concerning construction of a reasonable endeavours clause (Daniel Jowell QC, Fionn Pilbrow QC and Ben Woolgar).
- Advice to litigation funders on the status of the *Arkin* cap (with Richard Lord QC).

- Advice to clients in Hong Kong concerning the merits of a proposed appeal (Mark Howard QC and Fred Hobson).

## EU/Competition

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As a pupil, Frederick assisted on EU and competition matters ranging from follow-on damages to an action for annulment before the Court of Justice of the European Union. The cases he assisted on included:

- *PTC Therapeutics International Ltd v European Medicines Agency*: intervention of EUCOPE, concerning the proper interpretation of the Transparency Regulation and the EMA's obligations to keep information confidential (with David Scannell).
- *Phones 4U v EE Ltd and others*: assisted in the preparation of Orange's defence (Marie Demetriou QC and David Scannell).
- *Associated Leadmills*: assistance in the formulation of a response to the Competition and Markets Authority's Statement of Objections.

## Public Law

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As a pupil, Frederick assisted on the following public law matters:

- *R (Liberty) v Director of Legal Aid Casework*: prospective judicial review concerning the Director's refusal to grant legal aid to an individual who sought to challenge a public spaces protection order (with Martin Chamberlain QC and Sarah Love)
- *R (SHU) v Secretary of State for the Home Department*: a prospective judicial review to challenge the National Health Service (Charges to Overseas Visitors) Regulations 2015 and the Immigration Rules (Sarah Love).

## Other information

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### *Professional experience*

Fellow of All Souls College (2011-2018, 2019-present)

### *Selected Publications*

- *Equal Justice: Fair Legal Systems in an Unfair World* (Harvard University Press, 2019)
- 'Termination After Breach' *Law Quarterly Review* (2018) 134 (Apr), 307-325
- 'Should the Payee Pay?' *Oxford Journal of Legal Studies*, (2017) 37(4), p. 844-861
- 'Retrospective Mistakes of Law' in PS Davies and J Pila (eds) *The Jurisprudence of Lord Hoffmann* (Oxford: Hart, 2015)
- 'Reconsidering "Total" Failure', *Cambridge Law Journal* (2013) 72(2), 414
- 'Replacing Risk-Taking Reasoning', *Law Quarterly Review* 2011, 127, 610-630
- Co-editor of three edited collections: *Defences in Contract* (Oxford: Hart, 2017) ; *Defences in Unjust Enrichment* (Oxford: Hart, 2016) and *Defences in Tort* (Oxford: Hart, 2015)
- Part of the advisory group (with a number of judges, practitioners and academics) which assisted Professor Andrew Burrows in producing *A Restatement of the English Law of Contract* (OUP, 2016)

### *Education*

- D.Phil, All Souls College, Oxford
- M.Phil, Balliol College, Oxford (Distinction)
- B.C.L., Balliol College, Oxford (Distinction)

- Undergraduate, Christ's College, Cambridge (Double First Class)

### ***Scholarships and Prizes***

- Eldon Scholar (most promising Oxford graduate intending to practise at the Bar)
- Prize Fellow of All Souls College, Oxford
- Vinerian Scholar (top mark on the Bachelor of Civil Law)
- Scholar of Christ's College, Cambridge
- Various prizes in Cambridge and Oxford for performance in examinations