

## Mohammud Jaamae Hafeez-Baig

YEAR OF CALL: ENGLAND AND WALES: 2021; QUEENSLAND: 2018

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## Practice Overview

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Jaamae practises in commercial and public law. His notable recent instructions include:

- *Lonestar Communications Corporation LLC v Kaye* [2023] EWHC 421 (Comm); [2023] EWHC 732 (Comm), acting for the successful claimant in the trial of the first civil claim in England and Wales arising out of a "cyber-attack" (one of *The Lawyer's* "Top 20 cases" of 2022);
- *Maharaj v The Cabinet of the Republic of Trinidad and Tobago (Trinidad and Tobago)* [2023] UKPC 17; [2023] 1 WLR 2870, acting for the successful appellant in the Privy Council in an important appeal relating to local government elections in Trinidad and Tobago; and
- *BTI 2014 LLC v PricewaterhouseCoopers LLP* (ChD), acting for PwC in the defence of a \$600 million auditor's negligence claim.

Jaamae has an international practice. He is currently instructed in three appeals to the Privy Council from the Court of Appeal of Trinidad and Tobago. He is also qualified as a barrister in Queensland, Australia (where he practised full time before joining Brick Court Chambers), and he can appear in Australian proceedings and advise on Australian law. He recently appeared in the High Court of Australia in *Redland City Council v Kozik*, which raised a number of issues in the law of unjust enrichment relating to the recovery of *ultra vires* taxes.

In addition to working as part of counsel teams in the higher courts, Jaamae has appeared unled in the Commercial Court and regularly appears unled in the County Court. He has also appeared

unled in the Magistrates Court of Queensland and Federal Circuit Court of Australia on interlocutory applications and other interlocutory hearings.

Jaamae has published a number of articles in English and Australian law journals, and he is one of the authors of Hafeez-Baig and English, *The Law of Tracing* (Federation Press, 2021). His work has been cited by the English High Court (Commercial Court) and the Full Court of the Federal Court of Australia. He also teaches Restitution of Unjust Enrichment on the BCL at the University of Oxford.

Jaamae holds a Bachelor of Laws (First Class Honours, University Medal) and a Master of Laws from the University of Queensland and a Bachelor of Civil Law (with Distinction) from the University of Oxford (Magdalen College). He has worked as a Judge's Associate at the Supreme Court of Queensland and was a Judge's Associate to the Hon Justice Patrick Keane AC at the High Court of Australia.

He is a member of the Bar Council Money Laundering and Sanctions Working Group.

In Australia, Jaamae practices from in Brisbane.

## Commercial

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Jaamae accepts instructions across all areas of commercial law. His recent experience includes:

- *BTI 2014 LLC v PricewaterhouseCoopers LLP* (ChD), acting for PwC in the defence of a \$600 million auditor's negligence claim (led by Simon Salzedo KC, Tony Singla KC, and Zahra Al-Rikabi).
- *Lonestar Communications Corporation v Kaye & Ors* [2023] EWHC 421 (Comm) and [2023] EWHC 732 (Comm): a conspiracy claim concerning a large-scale "cyber-attack" on a leading telecoms company in Liberia (one of *The Lawyer's* "Top 20 cases" of 2022) (led by Tony Singla KC, Kyle Lawson, and Sophie Shaw).
- The *Ingenious* litigation: a £200 million claim arising out of the marketing and operation of film production partnerships between 2002 and 2007 (as a pupil, assisting Craig Morrison KC).
- *The Racing Partnership v Sports Information Services* : claims for breach of confidence and unlawful means conspiracy relating to data from sporting events (as a pupil, assisting Craig Morrison KC).
- *Azima v RAKIA & ors*: claims that the defendants had unlawfully hacked computers and email servers and disseminated the data online (as a pupil, assisting Craig Morrison KC).
- *Minister of Finance (Inc) v International Petroleum Investment Co* : claims arising out of the notorious "IMDB" fraud (as a pupil, assisting Craig Morrison KC).
- *Loches Capital Limited v Goldman Sachs International*: claims arising out of Goldman Sachs's

role in a takeover and merger (as a pupil, assisting Craig Morrison KC).

- *IBM United Kingdom Limited v LzLabs GmbH and ors* : claims for breach of contract and inducing breach of contract arising out of the defendants' use of IBM mainframe software (as a pupil, assisting Nicholas Saunders KC).
- *Adaptive Spectrum and Signal Alignment Inc v British Telecommunications Plc* : a claim for declaratory relief as to the proper construction of a patent licence and settlement agreement (as a pupil, assisting Nicholas Saunders KC).
- *Nokia v Oppo* : a patent infringement claim involving a dispute as to the terms of a global FRAND licence and as to the jurisdiction in which those terms should be decided (as a pupil, assisting Nicholas Saunders KC).

Jaamae has also worked on matters across all areas of commercial law as a barrister in Queensland. His experience in that role includes:

- advising court-appointed receivers of the property of the Presbyterian Church of Queensland and acting for those receivers in proceedings in the Supreme Court of Queensland;
- acting for the State of Queensland in a dispute with a lessee that raised complex issues about the law of estoppel and the *Australian Consumer Law*;
- acting for a residential construction company in proceedings in the District Court of Queensland where the company sought various orders under the *Legal Profession Act 2007* (Qld);
- acting for a vendor in proceedings in the Supreme Court of Queensland relating to a dispute about the sale of a business, which raised issues under the *Australian Consumer Law*;
- acting for a party to a coal mine joint venture in proceedings in the Supreme Court of Queensland in which another party sought declaratory and injunctive relief about the validity of certain cash call notices;
- acting for the former director of a company in proceedings in the District Court of Queensland brought by the company and another former director alleging breach of contract, breach of directors' duties, and breaches of the *Australian Consumer Law*;
- acting in proceedings in the Supreme Court of Queensland in a dispute involving a claim for damages for loss of opportunity arising out of a joint venture for the exploitation of a coal deposit;
- acting for a contractor in an expert determination concerning coal mine health and safety;
- advising a Queensland mining company about regulatory and other legal issues relating to the drilling of certain wells;
- advising as to the proper construction of various commercial contracts, including insurance contracts, joint venture agreements, tender services agreements, and employment contracts;
- advising as to the prospects of an application seeking punishment for contempt for breach of an undertaking given to the Supreme Court of Queensland; and
- advising an insurer as to the prospects of successfully defending proceedings on the basis of

cause of action estoppel, issue estoppel, *Anshun* estoppel, and abuse of process.

## Public Law

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Jaamae accepts instructions across all areas of public law. His recent experience includes:

- *Maharaj v The Cabinet of the Republic of Trinidad and Tobago (Trinidad and Tobago)* [2023] UKPC 17, acting for the successful appellant in the Privy Council in an important appeal relating to local government elections in Trinidad and Tobago (led by Anand Ramlogan SC and Peter Carter KC).
- *AZY and ors v DPP and ors* : a Human Rights Act damages claim for victims of grooming gangs in Rochdale regarding their treatment by the police and the CPS (as a pupil, assisting Jennifer MacLeod).
- A dispute over an alleged failure by the Ministry of Defence to investigate the death of a foreign national involving British armed forces deployed overseas (as a pupil, assisting Jennifer MacLeod).

Jaamae has also worked on a number of constitutional and administrative law matters as a barrister in Queensland. In particular, he has:

- acted in proceedings in the Supreme Court of Queensland and Family Court of Australia involving jurisdictional issues as between State and Federal courts;
- advised a national regulatory body as to the constitutional validity of certain State legislation that appeared to conflict with certain federal legislation;
- advised a local government authority in relation to a dispute that raised questions of contract law, administrative law, employment law, and competition law; and
- advised as to the validity of State legislation that compulsorily acquired land without the payment of compensation.

## EDUCATION & QUALIFICATIONS

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### Professional qualifications

Called to the Bar (England and Wales), 2021

Called to the Bar (Queensland), 2018

### Education

Bachelor of Civil Law (BCL), University of Oxford (Magdalen College), 2020

Master of Laws (LLM), University of Queensland, 2017

Graduate Diploma in Legal Practice (GDLP), Queensland University of Technology, 2017

Bachelor of Laws (LLB), University of Queensland, 2016

## Scholarships and prizes

Bachelor of Civil Law, University of Oxford

- Distinction
- Banking and Financial Services Law Association Scholarship
- Ian Wilson–Guy White Magdalen College–Oxford Australia Scholarship

Master of Laws, University of Queensland

- Dean’s Commendation for Academic Excellence

Bachelor of Laws, University of Queensland

- University Medal; First Class Honours; Graduated first in class
- Dean’s Commendation for Academic Excellence
- Harrisonslaw Prize in Succession Law for the highest mark in Succession Law
- Ross Anderson Memorial Prize for the highest mark in Constitutional Law
- Dr M H M Kidwai Memorial Prize for the highest mark in Administrative Law
- Herbert Smith Freehills Prize in Law for the highest mark in Contract Law
- McCullough Robertson Prize for the highest grades in second year
- Highest mark in 10 courses

## EXPERIENCE

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July 2022 – present: Tenant, Brick Court Chambers

September 2021 – July 2022: Pupil, Brick Court Chambers

2018–2021: Barrister, Level Twenty Seven Chambers (Brisbane, Queensland)

2018–2019: Associate to the Hon Justice Patrick Keane AC, High Court of Australia

2017–2018: Associate to the Hon Justice John Bond, Supreme Court of Queensland

2016: Associate to the Hon Justice Peter Lyons, Supreme Court of Queensland

# PUBLICATIONS

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## Books

M J Hafeez-Baig and J English, *The Law of Tracing* (Federation Press, 2021)

- Cited in *RnD Funding Pty Ltd v Roncane Pty Ltd* [2023] FCAFC 28 at [76], [87], [91], [103], [106].
- Cited in *ED & F Man Capital Markets Ltd v Come Harvest Holdings Ltd* [2022] EWHC 229 (Comm) at [667].
- Reviewed in Derek Whayman, 'The Law of Tracing. By Mohammad Jaamae Hafeez-Baig and Jordan English' [2023] *Cambridge Law Journal* 684.

## Articles and case notes

J English and M J Hafeez-Baig, "Tracing, Mixing, and Innocent Claimants" (2021) 84 *Modern Law Review* 593

M J Hafeez-Baig and J English, 'Common Law Tracing: The Emperor's New Clothes?' (2018) 12 *Journal of Equity* 260

M J Hafeez-Baig, 'Legal and Factual Causation in Equitable Compensation Claims Against Defaulting Fiduciaries' (2018) 46 *Australian Bar Review* 79

M J Hafeez-Baig, 'The Interaction of the Statutory Right of Action In Rem and the Cross-Border Insolvency Act 2008 (Cth)' (2018) 26 *Insolvency Law Journal* 22

J English and M J Hafeez-Baig, 'Recovery of Upkeep Costs, Claims for Loss of Autonomy and Loss of Genetic Affinity: Fertile Ground for Development?' (2018) 41 *Melbourne University Law Review* 1360

M J Hafeez-Baig, 'A Novel Approach to Foreign Maritime Liens' (2017) 133 *Law Quarterly Review* 378

M J Hafeez-Baig, 'Navigating the Waters Between Admiralty and Cross-Border Insolvency: A Comparison of the Australian, German and French Positions' [2017] *Lloyd's Maritime and Commercial Law Quarterly* 97

M J Hafeez-Baig and J English, "Lack of Consent' as an Unjust Factor' [2017] *Lloyd's Maritime and Commercial Law Quarterly* 176

M J Hafeez-Baig and J English, 'The Supreme Court Rectifies a Wrong Turn in Canadian Law' (2017) 17(1) *Oxford University Commonwealth Law Journal* 144

J English and M J Hafeez-Baig, 'An Inconsistency in the Canadian Law of Adverse Possession?'

(2017) 17(2) *Oxford University Commonwealth Law Journal* 290

M J Hafeez-Baig and J English, 'The Liability of Search Engine Operators in Defamation: Issues Relating to Publication and Qualified Privilege' (2017) 24 *Torts Law Journal* 218

J English and M J Hafeez-Baig, 'Liability of Search Engine Providers in Defamation' (2017) 24(1) *Torts Law Journal* 83

J English and M J Hafeez-Baig, 'Arbitration and Abuse of Process' (2017) 36(3) *Civil Justice Quarterly* 281

M J Hafeez-Baig and J English, 'Disclosure of Trust Information: Discretionary or Principle-Based Jurisdiction?' (2017) 23(3) *Trusts & Trustees*

M J Hafeez-Baig and J English, 'Re-thinking the Requirement for a 'Recognisable Psychiatric Illness' in the Law of Negligence' (2017) 25(2) *Tort Law Review* 92

M J Hafeez-Baig and J English, 'Claims Relating to Possession of a Ship: *Wilmington Trust Company (Trustee) v The Ship "Houston"* [2016] FCA 1349' (2017) 42(1) *University of Western Australia Law Review* 128

M J Hafeez-Baig, 'Putting the 'Protection' in 'Temporary Protection Visa'' (2016) 28(2) *Bond Law Review* 115