

## Richard Blakeley

YEAR OF CALL: 2007

*"One of the smartest Commercial Juniors and a shoo-in to any litigation team heading into battle – delightful company and a mega star for the future."*

Legal 500 2021

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## Practice Overview

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Richard is a commercial specialist with particular expertise in civil fraud, cross-border disputes, banking, and competition law and is frequently instructed in high value and substantial cases as lead/sole counsel or as part of a larger team. Richard is also a leading international sanctions practitioner, having previously been named Global Young Practitioner of the Year by the *World Export Controls Review*.

Richard has been recommended by Chambers and Partners for many years, including as *"A brilliant, brilliant junior counsel who is very clear-headed"* and as a *"mega star for the future"* who *"has the ear of the court"*. Legal 500 recommend him as being *"Brilliant, very sharp and a true superstar."*

Recent high-profile cases in which Richard is instructed include:

- Acting for the Republic of Mozambique in multiple proceedings against Credit Suisse, VTB and Prinvest (among others) and concerning liability under \$2bn-worth of sovereign guarantees allegedly procured by corruption. The case has been to the CA on a point of interpretation concerning s.9 of the Arbitration Act. Permission to appeal to the Supreme Court is awaited.
- Acting for the Republic of Nigeria in *FRN v JPMorgan* concerning claims worth over \$1bn for breach of the banker's *Quincecare* duty when JPM was allegedly on notice of fraudulent and corrupt scheme. The case has also been to the CA, with the FRN succeeding in knocking out a series of defences based on the terms of the Depository Agreement under which the claim is brought. The claims will be heard at a 6-week trial in early 2022.
- Acting in *Tugushev v Orlov* for the Russian founder of a \$1.5bn fishing company seeking to realise his 1/3<sup>rd</sup> share from the business partners who had acted to deprive him of it. z

- Acting unled in a 2-week Commercial Court trial on behalf of a Californian consultancy firm in which it was awarded 100% of its claimed damages for breach of contract by a Norwegian maker of titanium aerospace parts.
- Acting for the successful AssetCo plc in its claim for c.£30m in damages from Grant Thornton in respect of a negligent audit. AssetCo prevailed in a landmark judgment following a 5-week trial, being the first company to recover trading losses from a negligent auditor. The judgment was upheld in the CA.
- Acting for the claimant FDIC-R, a US statutory receiver, bringing claims against 8 USD LIBOR panel banks and the British Bankers Association under US law and EU competition law based on the banks' collusive suppression of USD LIBOR.
- Acting for a defendant in the Mirabaud Group facing claims brought by the Kuwaiti State pension fund which is seeking almost \$1bn in respect of an alleged fraudulent scheme. The claims were struck out on jurisdiction grounds, with the CA to hear an appeal in late 2021.
- Acting for the defendants in a HKIAC arbitration concerning the ownership of a mining concession and its operation, including the effect of the COVID-19 pandemic on the contractual obligations of the parties.

In addition to his commercial practice, Richard also has particular expertise in challenging and advising on EU and UK sanctions measures and has been instructed by dozens of banks, companies and individuals to challenge the sanctions imposed upon them both in the European Court of Justice and the Administrative Court and to seek damages for unlawful listings.

Richard regularly appears unled in the Commercial Court, the Chancery Division, and the European Court of Justice; he has also appeared in the Administrative Court, the Court of Appeal and the European Court of Human Rights. Richard has acted in numerous arbitrations, including arbitrations under ICC and LCIA rules.

Richard has been a member of chambers since the completion of his pupillage in 2008. Prior to coming to the Bar, Richard received a double first in Law from the University of Cambridge, graduating from Fitzwilliam College with the prize for the best academic performance in the graduating class across all science and arts subjects. He then received his LL.M. at Harvard Law School to which he was awarded a full scholarship (as the Baker McKenzie scholar).

Before commencing his pupillage, Richard spent time working in investment banking for Goldman Sachs. Richard was based in GS's Operations division, working with credit derivative and interest rate swaps in the documentation team. Whilst studying for the BVC, on which he was ranked outstanding, Richard was a supervisor in Constitutional law at Gonville and Caius College and Fitzwilliam College, Cambridge, an examiner in Applied Criminology at the University of Cambridge, and a tutor and examiner in public law at King's College, London.

Outside of his practice, Richard acts as a mentor for young people and students from disadvantaged and

under-represented groups, including via the charity Into:University and as part of the Commercial Bar's mentoring scheme.

## Commercial

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Richard practises in all aspects of commercial dispute resolution. In recent years, Richard has been instructed on a number of high profile commercial disputes, with particular experience in cross-border fraud and banking disputes.

These include:

- *Mozambique v Credit Suisse International and ors*: Acting for the Republic of Mozambique in multiple consolidated proceedings against Credit Suisse, VTB and Privinvest (among others) and concerning liability under \$2bn-worth of sovereign guarantees allegedly procured by corruption. The case has been to the CA on a point of interpretation concerning s.9 of the Arbitration Act: [2021] EWCA Civ 329. Permission to appeal to the Supreme Court is awaited.
- *FRN v JPMorgan*: Acting for the Republic of Nigeria in claims worth over \$1bn for breach of the banker's *Quincecare* duty when JPM was allegedly on notice of fraudulent and corrupt scheme. The case has also been to the CA, with the FRN succeeding in knocking out a series of defences based on the terms of the Depository Agreement under which the claim is brought: [2019] 1 C.L.C. 207, [2019] 2 C.L.C. 559. The FRN's claims will be heard at a 6-week trial in early 2022.
- *Cathay Pacific Airlines Ltd v Lufthansa Technik AG* [2019] EWHC 484 (Ch); [2019] 1 WLR 5057 and [2020] EWHC 1789 (Ch) acting for the defendant in proceedings worth \$40m concerning interpretation of an engine maintenance agreement. The case has generated several important judgments. They are the leading authorities on pre-action conduct for Part 8 claims and the Court's power to award costs in a foreign currency. The trial judgment is an important authority on implied terms of good faith.
- *Tugushev v Orlov*: acting for the Russian founder of a \$1.5bn fishing company seeking to realise his 1/3<sup>rd</sup> share from the business partners who had acted to deprive him of it. Following a lengthy battle entailing reams of expert and factual evidence, Mr Tughushev successfully established jurisdiction to pursue his claims in England: [2019] EWHC 645 (Comm).
- *Clark Street Associates v Norsk Titanium* acting unled for the successful claimant in a 2-week Commercial Court trial. Following trial, the claimant, a Californian consultancy firm, was awarded 100% of its claim for breach of contract by a Norwegian maker of titanium aerospace parts: [2020] EWHC 1038 (Comm).
- Acting for the successful AssetCo plc in its claim for c.£30m in damages from Grant Thornton in respect of a negligent audit. AssetCo prevailed in a landmark judgment following a 5-week trial, being the first company to recover trading losses from a negligent auditor. The judgment was upheld in the CA: [2019] Bus. L.R. 2291; [2021] Bus. L.R. 142.

- *Federal Deposit Insurance Corporation v Barclays and ors*: acting for the claimant FDIC-R, a US statutory receiver, bringing claims against 8 USD LIBOR panel banks and the British Bankers Association under US law and EU competition law based on the banks' collusive suppression of USD LIBOR. The FDIC-R successfully resisted an attempt by UBS to strike out its claims on limitation grounds.
- *Public Institution for Social Security v Al Rajaan and 36 ors* [2020] EWHC 2979 (Comm): acting successfully for a defendant facing claims brought by the Kuwaiti State pension fund which is seeking almost \$1bn in respect of an alleged fraudulent scheme. The claims were struck out on jurisdiction grounds, with the CA to hear an appeal in late 2021.
- Acting for the defendants in a HKIAC arbitration concerning the ownership of a mining concession and its operation, including the effect of the COVID-19 pandemic on the contractual obligations of the parties.

## Competition

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Richard has a broad EU and competition law practice and is regularly instructed on EU and UK competition law litigation and matters.

Competition matters on which Richard has been instructed include:

- *Federal Deposit Insurance Corporation v Barclays and ors*: acting for the claimant FDIC-R, a US statutory receiver, bringing claims against 8 USD LIBOR panel banks and the British Bankers Association arising out of the banks' collusive suppression of USD LIBOR. The claims are primarily advanced under EU competition law, alleging that the suppression of USD LIBOR was done pursuant to an agreement or concerted practice, contrary to Article 101 TFEU. The FDIC-R successfully resisted an attempt by UBS to strike out its claims on limitation grounds.
- *Premier League*: regularly advising the PL including on competition issues arising out of the administration of rights sales, and attempts by clubs to alter the league structure and rules.
- *Kodak v Glencore and ors*: acting for the Glencore group defendants in a claim alleging multiple breaches of Article 101 TFEU in respect of aluminum warehousing practices and pricing.
- *BSKYB, Premier League and ors v Ofcom* (CAT): acting for the Premier League in a successful challenge to Ofcom's Pay TV decision that Sky must wholesale its Sky Sports channels to eligible competitors at a set price.
- *Purple Parking and ors v Heathrow Airport Limited*: acting for the successful claimant valet parking company in a landmark judgment establishing a breach of Article 102 / Chapter II CA 98 in respect of Heathrow Airport's decisions regarding the location of their rival valet parking operations.

## International/EU

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Richard's practice is profoundly international with specific expertise in cross-border commercial disputes,

jurisdiction challenges, international fraud and corruption, and sanctions matters. Richard also practices EU law and has appeared led and unled in the High Court, the General Court and the Court of Justice on EU and international cases. Richard has also appeared in the European Court of Human Rights in interstate disputes.

Recent international and EU law matters in which Richard has been instructed include:

- Regularly advising entities (including in particular offshore trusts and financial services providers), individuals and governments on UK and EU law and sanctions policy.
- *Daimler NOx emissions*: acting for the defendants in group litigation threatened by over 100,000 claimants alleging breach of EU NOx emissions rules.
- *Mozambique v Credit Suisse International and ors*: Acting for the Republic of Mozambique in multiple consolidated proceedings against Credit Suisse, VTB and Privinvest (among others) and concerning liability under \$2bn-worth of sovereign guarantees allegedly procured by corruption. The case has been to the CA on a point of interpretation concerning s.9 of the Arbitration Act: [2021] EWCA Civ 329. Permission to appeal to the Supreme Court is awaited.
- *FRN v JPMorgan*: Acting for the Republic of Nigeria in claims worth over \$1bn for breach of the banker's *Quincecare* duty when JPM was allegedly on notice of fraudulent and corrupt scheme. The case engages issues under multiple systems of law and concerns litigation in numerous jurisdictions.
- *Mamancochet Mining Ltd v Aegis Managing Agency Ltd* [2019] 1 All E.R. (Comm) 335 instructed by 30 underwriters to lead their defence to a claim with industry-wide repercussions, concerning the interpretation of a market-standard sanctions clause contained in London-written cargo policies Richard led the defence at the trial that was expedited following sudden changes to US policy.
- *Georgia v Russia*: acting for the Russian Federation in applications brought by Georgia in the European Court of Human Rights over alleged human rights violations during the August 2008 war in South Ossetia.

Richard has also been instructed in a series of leading European and domestic sanctions cases over the last decade, including *Bank Mellat*, *Bank Saderat*, *Europa-Östlich-Iranische Handelsbank AG*, *IRISL*, *Mamancochet Mining*, and *Lamesa Investments v Cynergy Bank*.

## Public Law

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Richard is often instructed to advise on public law matters and matters in the Administrative Court and has appeared in the European Court of Human Rights in Strasbourg representing the Russian Federation in its dispute with Georgia over alleged human rights violations during the August 2008 war in South Ossetia.

In addition to on-going advisory roles on public law issues, including for the FA Premier League, Richard

also has expertise in cases involving a mix of commercial and public law considerations. For example, Richard assisted in the claim for judicial review in *Corbiere v SSHD* see [2017] EWHC 3364 (Admin) in which the Claimants sought to prevent the deportation of a foreign national who is the defendant to civil proceedings for breach of confidence in which Richard was instructed in the Chancery Division. The case raised novel issues around the interaction of Article 6 and A1P1 rights with ongoing civil proceedings. Richard's specialism in international corruption also frequently raises public law issues in multiple jurisdictions.

Richard has been instructed on a number of judicial review cases regarding the application of sanctions and regularly advises on the applicability and meaning of UK sanctions. For example, Richard was instructed to seek an injunction restraining the Foreign Secretary from voting to re-impose sanctions on an Iranian individual at a meeting of the EU Council in Brussels: *NITC and Golparvar v Secretary of State for Foreign and Commonwealth Affairs* [2015] EWHC 282 (Admin). Richard has also advised the FSA and HM Treasury on a number of issues concerning the payment of compensation under guaranteed investment and deposit schemes and as junior counsel to the Pollard Inquiry into Newsnight's dropping of a story into abuse by Jimmy Saville.

## Arbitration

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Richard is regularly engaged in commercial arbitrations including arbitrations under the ICC and LCIA rules.

Most recently, Richard was instructed to act for the defendants in a HKIAC arbitration concerning the ownership of a mining concession and its operation, including the effect of the COVID-19 pandemic on the contractual obligations of the parties.

Richard has also acted in a series of multi-million dollar LCIA arbitrations acting for successful insurers seeking to avoid payment under a political risk insurance policy.

## Publications

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- *The New Tribunals Handbook* (Bloomsbury Professional, 2011) - a procedural guide to the Tribunals under the Tribunals, Courts and Enforcement Act 2007
- *Competition Litigation - UK Practice and Procedure* (Green QC and Brealey QC eds.) (OUP, 2010), contributing author.
- *Purple Parking Limited and Meteor Parking Limited v Heathrow Airport Limited* [2011] Comp Law 288
- 'Prolonged Mental Harm: The Torturous Reasoning Behind a New Standard for Psychological Abuse' (2007) 20 Harvard Human Rights Journal 263
- *To the fullest extent of the law? Jones v Whalley and the right to private prosecution* [2007] CLJ, 66(1), 11

- *Jones v Whalley: cases in detail*, Arch. News 2006, 8, 4-5
- *Counting sheep: Ghaidan v Godin-Mendoza and the true extent of section 3 of the Human Rights Act* [2005] C.S.L.R. 1(1), 1.

## Qualifications

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### Education

BPP School of Law (2006-2007)

Harvard Law School (2005-2006)

Fitzwilliam College, University of Cambridge (2002-2005)

### Qualifications

Bar Vocational Course (2007) (Outstanding)

LL.M. (2006)

MA Law (2005) (First Class)

### Other

Crossfit Level 1 Trainer

### Scholarships & Prizes

*Lincoln's Inn*

Buchanan Prize

Lord Denning Scholarship

Hardwicke Entrance Award

*University of Cambridge*

Baker & McKenzie Scholarship (full scholarship for LL.M. at Harvard Law School)

ECS Wade Prize for administrative law

Squire scholarship

*Fitzwilliam College*

Scholar of the Year (best academic performance across all subjects and years in Fitzwilliam College)

graduating class of 2005)

Reddaway Prize (for contribution to the prestige of the College)

Mary Luck Prize (for achievement across a Cambridge career)

Winner, the Weekly Law Reports mooted competition (2004)

### **Other**

Winner, the Weekly Law Reports mooted competition (2004)

## **Directory Quotes**

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- "Tenacious, robust and capable of producing performances that blow you away." (Chambers & Partners 2022)
- "A very clever barrister and a real team player. He's very collaborative and works with the team to distil the issues in a way that's very compelling." (Chambers & Partners 2022)
- "He is just excellent and destined for great things." "He is everything you want in a senior junior: very clever, incredibly hard-working and robust in his views. He's more than capable of going toe to toe with opponents many years his senior." (Chambers & Partners 2022)
- "He is an impressive junior working on various big sanctions matters in the EU courts. We value his subject matter expertise." (Chambers & Partners 2022)
- "He must be one of the most experienced EU sanctions juniors around." Legal 500 2022)
- "A very strong junior and enormously client friendly. Good on his feet and works hard to ensure the client's aims are met." Legal 500 2022)
- "Excellent and one of the top juniors around. He's got a really strong strategic sense and will go far when he eventually takes silk." (Legal 500 2022)
- "Richard is a stellar Commercial Court junior with a wonderfully incisive mind." (Legal 500 2022)
- "He is outstandingly smart and utterly brilliant." "A fiercely intelligent barrister." (Chambers & Partners 2021)
- "Very bright and fantastically good at drafting." "He has the ear of the court." (Chambers & Partners 2021)
- "He is very hard-working and a great team player." "Brilliant, calm and thorough." (Chambers & Partners 2021)
- "He is a down-to-earth, sensible barrister." (Chambers & Partners 2021)
- "Excellent experience and one of my go-to barristers in this area. Great judgment and insight into the EU Courts thinking. He has an encyclopaedic knowledge of EU case law." (Legal 500 2021)
- "Strong ability to process information, especially foreign law concepts, and turn around quality work product – good with clients and robust advocacy." (Legal 500 2021)
- "One of the smartest Commercial Juniors and a shoo-in to any litigation team heading into battle – delightful company and a mega star for the future." (Legal 500 2021)

- "Richard is very pragmatic and a smart person to work with." "He is very bright, very hard-working and very easy to deal with." (Chambers & Partners 2020)
- "Just has an incredible work ethic, and turns stuff around incredibly quickly but with real force." "He's highly responsive, very accessible and someone who delivers good, accurate work product." (Chambers & Partners UK & Global 2020)
- "His drafting is excellent, and he really gets into the client's shoes, proving creative and willing to think outside the box." (Chambers & Partners 2020)
- "Tough and hardworking, he quickly appreciates the key points in issue and is also very commercial." (Legal 500 2020)
- "He has sanctions expertise." (Legal 500 2020)
- "A very strong lawyer and easy to work with." (Legal 500 2020)
- "Very clever, very able and good on paper." (Chambers & Partners 2019)
- "Richard Blakeley is excellent: he's very bright, he's a good team player and he's realistic." (Chambers & Partners 2019)
- "His legal submissions were spot-on and very comprehensive, and he kept his cool and answered questions in the hearing in an eloquent way." (Chambers & Partners 2019)
- "He is incisive and a real asset on complex cases." (Legal 500 2018-19)
- "A versatile and analytically brilliant lawyer." (Legal 500 2018-19)
- "A bright junior with a particular expertise in sanctions." (Legal 500 2018-19)
- "Gets stuck into his written work and provides brilliant analysis of the legal issues." "A brilliant, brilliant junior counsel who is very clear-headed." (Chambers & Partners 2018)
- "He is straightforward, has a direct style and writes very well." (Chambers & Partners 2018)
- "His writing is particularly impressive and he is marvellous at cutting through everything." (Chambers & Partners 2018)
- "Richard excels at getting in the mindset of the clients and understanding the matter from their point of view." (Chambers & Partners 2017)
- "He advances his case in a very persuasive way, and has a great understated style which is really attractive, particularly in difficult cases." "He has a very, very strong work ethic" (Chambers & Partners 2017)
- "Extremely able and inventive; he always adds value." (Legal 500 2016)
- "A junior counsel with a bright future. He is sharp and creative with a commercial perspective beyond his experience. He is not afraid to take a view on a matter independent of other advisers." (Chambers & Partners 2016)
- "Very efficient, hard-working and very user-friendly. He's always able to help, and his work product is invariably excellent." (Chambers & Partners 2016)
- "A well-regarded junior with an enviable and high-profile recent caseload." (Chambers & Partners 2015)
- "Incredibly hard-working and very smart, he punches above his weight. On his feet, he is very confident and very effective, and he shows good judgement." (Chambers & Partners 2015)

- "Very confident and very effective. He shows good judgement on the legal issues, and is very succinct in his advice." (Chambers & Partners 2015)
- "This rising star of commercial law and competition and EU law is noted for his handling of a series of high-profile cases, including a number of the recent oligarch cases." (Chambers & Partners 2014)
- "An intelligent and hard-working junior." "He has a great 'can-do' attitude." (Chambers & Partners 2014)
- "Developing a reputation as an emerging talent in the EU field." (Chambers & Partners 2014)
- "He has a wonderful ability to circumnavigate a mountain of facts and issues in order to focus on the key points in a case." (Chambers & Partners 2014)
- Recommended for Competition/EU law by Chambers & Partners 2013 as an *"up and coming"* junior who *"has already attracted attention for his "impressive" competition law work, and is noted for his "responsive and practical" approach."*