

Richard Eschwege

YEAR OF CALL: 2008

"Richard consistently produces exceptional work product and his ability to juggle huge cases is unparalleled." "A fast rising star with an absolutely brilliant legal mind."

Chambers & Partners 2018, Chambers & Partners 2017

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Practice Overview

Richard Eschwege is a leading junior in heavyweight litigation and arbitration, and has been involved in some of the most high profile and significant cases of recent years. He has a broad, predominantly commercial, practice, and has advised on and acted in a spectrum of disputes, including energy and natural resources, banking and financial services, civil fraud, insurance, professional negligence, telecommunications, conflicts of interest, conflicts of laws, and jurisdiction battles. He has appeared in the national courts at all levels and before many international arbitral tribunals.

Richard is ranked in the legal directories as a leading junior in Commercial Dispute Resolution, Energy and Natural Resources, and Banking and Finance. He was identified as one of Legal Week's 'Stars at the Bar' 2014, and nominated for Legal 500's Energy Junior of the Year 2018.

Richard has a particularly strong practice in energy and natural resources, banking and finance, and commercial fraud matters.

He has acted in a large number of oil and gas, mining or infrastructure disputes in the North Sea, Eastern Europe, the Middle East, Central Asia, Central and South America, and Africa, and has appeared in some of the major energy and natural resources cases, including *Excalibur Ventures*.

Richard has worked on a variety of banking litigation matters, often involving complex financial products. He has acted for lenders, borrowers, and hedge funds in a wide range of financial disputes, including enforcement and restructuring of facility agreements, payments under bank guarantees, disputes involving bond issues and clearing systems, manipulation of LIBOR, swaps mis-selling cases, payments under letters of credit, and enforcement of security rights.

Richard also has extensive experience of commercial fraud matters, frequently in the context of multi-jurisdictional disputes. He currently acts for the principal defendants to claims in respect of an alleged fraud worth c. US\$300 million.

Commercial

Recent matters on which Richard Eschwege has been instructed include:

- *United Co Rusal Plc v. Crispian Investments Ltd* [2018] EWHC 2415 (Comm.): shareholder dispute relating to sale of shares in major nickel company and exercise of a right of first refusal.

- *Blue Power Group SARL v. Eni Norge SA* [2018] EWHC 2212 (Ch.): energy dispute relating to compressed natural gas technology in the North Sea, and alleged breaches of exclusive service agreement and alleged breach of confidence.
- *Bank St Petersburg v. Arkhangelsky* [2018] EWHC 1077 (Ch.): dispute concerning the enforcement of bank guarantees and alleged fraudulent 'raiding' of companies' assets.
- *UMS Holdings v. Great Station* [2017] EWHC 3330 (Comm.); [2017] EWHC 2473; [2017] EWHC 2398 (Comm.): enforcement of US\$306 million LCIA arbitration award and challenge to the award under section 68 of the Arbitration Act 1996; post-judgment freezing orders; confidentiality of arbitration awards.
- *Arcadia Petroleum Ltd v. Bosworth & Ors* (Supreme Court, April 2017, following which Supreme Court made a preliminary reference to CJEU); [2016] EWCA Civ. 818; [2016] EWHC 2527 (Comm.); [2015] EWHC 3700 (Comm.) [2015] EWHC 1030 (Comm.): US\$300 million alleged fraud relating to oil trading in West Africa; jurisdiction challenge concerning matters relating to employment contracts; enforcement of freezing orders outside the jurisdiction.
- *Petrosaudi Oil Services v. Novo Banco SA* [2017] EWCA Civ. 9: circumstances in which the 'fraud exception' to a bank's obligation to make payment under a letter of credit applies.
- *Excalibur Ventures LLC v. Texas Keystone & Ors* [2016] EWCA Civ. 1144; [2015] EWHC 566 (Comm.); [2014] EWHC 3436 (Comm.); [2013] EWHC 2767 (Comm.) and [2013] EWHC 4278 (Comm.): claim for US\$1.6 billion in a dispute involving oil production sharing contracts in Kurdistan; litigation funding and non-party costs orders.
- *Scottish Power UK v. BP Exploration Operating Company Ltd* [2016] EWCA Civ. 1043; [2016] EWHC 3569 (Comm.); [2015] EWHC 2658 (Comm.): interpretation of long-term gas sales contracts for the sale of gas from the North Sea, including exclusion clauses.
- *Bonhams v. Lawson & Ors* [2015] EWHC 3527 (Comm.): dispute over the auction and ownership of very rare £11 million Ferrari car, one of the world's most expensive classic cars.
- *Peak Hotels v. Tarek Investments* [2015] EWHC 1997 (Ch.): breakdown of a joint venture in a luxury hotel business.
- *CF Partners v. Barclays Bank & Ors* [2014] EWHC 3049 (Ch.): banking dispute involving hedge fund and breach of confidence in relation to valuable M&A opportunity.
- *Georgian American Alloys v. White & Case LLP* [2014] EWHC 94 (Comm.): injunction to restrain solicitors from acting against former client in 'oligarch' litigation.
- *Berezovsky v. Abramovich* [2012] EWHC 2463 (Comm.); [2011] EWHC 1777 (Comm.): 'oligarch' dispute.
- *Excalibur Ventures LLC v. Texas Keystone & Ors* [2011] EWHC 1624 (Comm.): award of an anti-arbitration injunction.
- *Katsouris Brothers Limited v. Haitoglou Bros. S.A.* [2011] EWHC 111 (QB): jurisdiction challenge.
- *Islamic Republic of Iran Shipping Lines v. Steamship Mutual Underwriting Association (Bermuda) Limited* [2011] 1 Lloyd's Rep. 195: case involving sanctions and the frustration of mutual indemnity insurance contracts.
- *Ministry of Defence v. A Contractor*: dispute involving the procurement of defence contracts.
- *Dana Petroleum v. Woodside* (Commercial Court): offshore oil exploration in East Africa.
- *Naftrans v. Jan Bonde Nielsen and Ors* (Commercial Court): oil terminals and civil fraud.

EU/Competition

- *National Grid v. ABB & Ors* (2014, Chancery Division): Cartel follow-on damages.
- *Telefonica O2 UK Ltd v. British Telecommunications* [2012] EWCA Civ. 1002: Telecommunications and competition.
- *British Telecommunications v. Ofcom* [2011] CAT 24: Telecommunications and competition.
- *British Telecommunications v. Ofcom* [2011] EWCA Civ. 245: Telecommunications and competition.

Public Law

- *Jones and Mitchell v. United Kingdom* (2014) 59 E.H.R.R. 1: State immunity.

- *R. (BAT and Ors) v. Secretary of State for Health* (2010) (Administrative Court): Tobacco display and judicial review.

Qualifications

Education

Inns of Court School of Law

City University

Balliol College, Oxford

Qualifications

M.A. (Oxon)

Literae Humaniores (2006) - First Class (Congratulatory)

Honour Moderations (2004) - First Class

Bar Vocational Course (2008) - Outstanding

CPE (2007) - Distinction

Directory Quotes

- Richard Eschwege is “a very strong technical lawyer” with “razor-sharp intellect” and “excellent drafting and legal analysis skills”. He is recognised in our research as one of the foremost juniors in the field. (Who's Who Legal - UK Bar: Banking & Finance 2019)
- Richard Eschwege of Brick Court Chambers is one of the foremost energy and natural resources barristers at the bar, and is praised emphatically by peers as “one of the future stars in the area”. (Who's Who Legal - UK Bar: Energy & Natural Resources 2019)
- "One of the finest lawyers of his call, who is destined for great things." "He's very clever and supremely good on paper." (Chambers & Partners 2019, Banking & Finance)
- "He's a smart operator who is not at all fazed by anything." "His questioning is like a straitjacket – it's brilliantly constructed so that the person on the stand has nowhere to go." (Chambers & Partners 2019, Commercial Dispute Resolution)
- "Incredibly hard-working and has a fantastic ability to get through large amounts of information." "He can grapple with complex issues very effectively." (Chambers & Partners UK & Global 2019, Energy & Natural Resources)
- "Outstanding – to the point and very collegiate, and even by the high standards of the Bar he is very hardworking." (Legal 500 2018-19, Banking & Finance)
- "Incredibly bright and turns work around very quickly." (Legal 500 2018-19, Commercial Litigation)
- "One of the finest lawyers of his generation; destined for great things." (Legal 500 2018-19, Energy)
- Richard Eschwege is “a real star” at the Bar and draws praise for his “very successful commercial practice” which covers a range of matters including banking, energy and civil fraud. (Who's Who Legal - UK Bar: Banking & Finance 2018)
- "Richard consistently produces exceptional work product and his ability to juggle huge cases is unparalleled." "He is phenomenally hard-working." (Chambers & Partners 2018, Banking & Finance)
- "Probably the hardest-working barrister you could come across; he absolutely loves it. He thrives on work." "Very few marshal facts and legal arguments as well as he does." (Chambers & Partners 2018, Commercial Dispute Resolution)

- "He has a wonderful skill for drilling right down into complex oil and gas contracts." (Chambers & Partners 2018, Energy & Natural Resources)
- "An outstanding junior, who, even by commercial Bar standards, works phenomenally hard." (Legal 500 2017, Banking & Finance)
- "A heavyweight player in arbitration and litigation." (Legal 500 2017, Energy)
- "Richard Eschwege has a reputation among peers as "ridiculously hardworking, fast and effective"." (Who's Who Legal - UK Bar: Banking & Finance 2017)
- "Richard Eschwege features prominently in our research. One senior peer notes, "He is the absolute model of a great junior counsel: incredibly helpful, understated but absolutely brilliant in his legal analysis and written advocacy."" (Who's Who Legal - UK Bar: Energy & Natural Resources 2017)
- "An extraordinarily clever chap. The level of his analysis and drafting is years beyond what you would expect for someone of his call." "Incredibly able and one of the best juniors around at the moment." (Chambers & Partners 2017, Banking & Finance)
- "A fast-rising star and someone with an absolutely brilliant legal mind." "Incredibly bright and hard-working, he delivers work to such a high standard." (Chambers & Partners 2017, Commercial Dispute Resolution)
- "The absolute model junior – phenomenally hardworking and brilliant at written advocacy." (Legal 500 2016, Energy)
- "He is absolutely outstanding and his writing is flawless." (Legal 500 2016, Banking and finance including consumer credit)
- "Terrifically fast and hard worker" (Who's Who Legal UK Bar 2016, Energy & Natural Resources)
- "An up-and-coming counsel at the Commercial Bar with an already impressive list of appearances in a range of high-profile matters." "A fast rising star with an absolutely brilliant legal mind." (Chambers & Partners 2016)
- "The 'magnificent' Richard Eschwege of Brick Court Chambers is a 'particular favourite' with senior counsel due to his 'stellar work ethic' and "brilliant analytical mind'." (Who's Who Legal UK Bar 2015, Energy & Natural Resources)