

## Charles Hollander QC

YEAR OF CALL: 1978 YEAR OF SILK: 1999

*"Charles is a formidable advocate and his intellect and ability to distil down complex issues are second to none." "A class act, brilliant on his feet and able to answer complex legal questions in a concise and user-friendly style."*

Chambers & Partners 2014

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## Practice Overview

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Charles Hollander has long experience practising as an advocate. The breadth of his practice is unusual. Whilst the core of his practice has always been in commercial litigation, whether in the Commercial Court, Chancery Division, in offshore jurisdictions or in international arbitrations, he has extensive expertise in sports law, and other media-related work. He is used as an advocate in major EU matters, particularly in the High Court, in competition and freedom of establishment cases and also has expertise in professional negligence. As a result of his well-known books *Documentary Evidence* and *Conflicts of Interest* he has a specialised practice in those areas: he has argued many of the leading cases in relation to disclosure and legal professional privilege, and has a substantial practice advising law firms on conflicts of interest. Charles has now been called as a full member of the Hong Kong Bar and also practises from Temple Chambers, Hong Kong and accepts instructions for cases before the Hong Kong courts.

## Commercial

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### Commercial Litigation

Recommended by Chambers & Partners and the Legal 500 for commercial litigation.

### Major commercial litigation:

Charles has been involved in many of the major commercial disputes of the day. He has recently argued two separate Privy Council appeals: *Rawlinson & Hunter v Investec* from Guernsey (involving Tchenguiz trusts) and *Grace Kennedy Remittance Services v Paymaster*, a Jamaican appeal involving misuse of confidential information. He has been involved in the various *Tchenguiz* cases, the *Libyan Investment Authority* litigation and IKOS. He also recently argued *Astex v Astra Zeneca*, an appeal after an intellectual property trial in a drug discovery case. He was instructed on the appeal in *Harb v Prince Abdul Aziz*, where an agreement was found to have been made with the son of the Saudi king during a conversation at the Dorchester Hotel and the appeal also raised allegations of bias on the part of the trial judge (Peter Smith J). Recent cases also include *FG Wilson v Holt* (a series of related commercial court actions which settled after leave to appeal to the Supreme Court was given on sale of goods and retention of title issues), *BHP Billiton v E.on*, an expedited commercial court trial involving termination of a Gas Sales Agreement, a long fraud trial with a public procurement background *Montpellier Estates Ltd v Leeds City Council*, *RC Cayman v Ryan* (major litigation in Cayman involving the Ritz-Carlton Hotel), *Pacific Electric Wire & Cable v Texan Management*, a long commercial fraud trial in Hong Kong and *Primary Group v RBS*, a ten day trial involving allegations of breach of confidence against the bank. He was involved in the huge *Accident Group*

litigation and its successor *Composite*, leading a team of leading and junior counsel. The actions were negligence suits against 634 and 85 firms of solicitors respectively.

Major commercial litigation in which Charles has been involved has included:

- *Libyan Investment Authority*
- *Tchenguiz*
- *IKOS*
- *Masri v CCC*
- *Kaupthing*
- *Buncefield*
- *TAG/Composite*
- *Three Rivers*
- *Sumitomo copper*
- *Railtrack*
- *Barings*
- *NRG*
- *Maxwell*
- *Ferranti*
- *British & Commonwealth/Quadrex*
- *Polly Peck*
- *Local authority swaps*
- *Eagle Trust*

## Hong Kong

Charles joined Temple Chambers in Hong Kong in 2015 after passing the Hong Kong Bar exams, undertaking pupillage, and being called to the Hong Kong Bar as a full member. He now practises in Hong Kong as well as in London both before the Hong Kong courts and in arbitrations there. He is recommended by the Legal 500 in the Asia Pacific section. Please see his profile [here](#).

## Offshore

Charles' offshore work has principally focused on the Caribbean.

- In Cayman, *RC Cayman v Ryan* (argued appeal to CA April 2013, four week trial settled shortly before commencement in early 2014), *Awal Bank*.
- In British Virgin Islands: *Wincanton v Yukos (Rosneft)*, *Petroval v Stainby (Yukos Money laundering fraud)*, *Base Metal Trading v Rual Trading* (transfer pricing)
- Also Brunei: *Sultan of Brunei v Prince Jefri*
- Gibraltar: *Secilpar v Fiduciary Trust* (Norwich Pharmacal/Gibraltar CA)

## International Arbitration

International arbitration is an important part of Charles' practice. He sits occasionally as arbitrator but most of his work is as advocate. Charles recently argued *Dow v Luxi Chemicals* a two week Swedish Chamber of Commerce arbitration concerning copying of the specification for a Chinese Chemical plant. A lengthy arbitration in Hong Kong in relation to a joint venture for the construction of Studio City, Macau *Paul Y v Yau Li* settled just before commencement.

Other recent international arbitrations include *Invista Technologies v Yisheng Petroleum*, a CIETAC arbitration under UNCITRAL rules involving a PRC chemical plant. *Helios Photo Voltaic v Jianxi Solar Hi-Tech* was a HKIAC

UNCITRAL arbitration concerning photographic equipment. Other arbitrations:

- *SSEESL v Rocksavage* (gas supply)
- *D v R* (s44 applications in comm. ct, subsequent energy arbitration involving gas supply in middle east)
- *Kolomoisky v Lanebrook* (LCIA oligarch arbitration)
- *Westacre v Jugoimport* (foreign arbitration award and public policy-conflict of laws) (Comm ct and CA)
- *Base Metal Trading v Rual Trade* (enforcement of Russian arbitration award, in BVI)
- *Astra v Sphere Drake*
- *Astra v Yasuda*
- (Romanian law-jurisdiction of arbitrators in dispute as to universal succession, Comm ct)
- *Appeared in many arbitrations-as counsel or as arbitrator- shipping, shipbuilding, energy, sports (see sports law).*

### "Oligarchs" disputes

Charles has acted in oligarch disputes both in the BVI and this jurisdiction.

- *Wincanton v Yukos* (Rosneft-BVI)
- *Kolomoisky v Lanebrook* (Ugok-LCIA arbitration)
- *Petroval v Stainby* (BVI and Singapore, Yukos subsidiary)
- *Rosenberg v Nazarov* (Chancery Division)
- *Base Metals Trading v Rual Trading* (BVI)
- *Base Metal Trading v Shamurin* (Commercial Court and Court of Appeal)

### Jurisdiction and conflict of laws

All of Charles' BVI cases involve jurisdiction and conflict of laws issues. Other cases in which he has been involved which also raise these issues are:

- *Roberts v SSAFA* (Art 8(2) of recast Brussels Regulation)
- *Silverbrook litigation* (Antisuit injunction - Oklahoma)
- *Calyon v PZL* (Polish law in banking dispute)
- *Hathurani v Jassat* (illegality/South African law)
- *Sothebys v Republic of Italy* (conversion of manuscripts/ Italian law)
- *Skype v Joltid* (antisuit injunction-exclusive jurisdiction)
- *Petroval v Stainby* (Yukos money laundering fraud in BVI-Swiss/Singapore/BVI law)
- *Base Metals Trading v Shamurin* (proper law of causes of action-English or Russian) Tomlinson J and CA
- *Sarrjo v Kuwait Investment Office* (Brussels Convention- Mance J, CA and HL)
- *Standard Bank v Apostolakis* (Brussels Convention- Steel J)
- *Macsteel v Thermasteel* (Ch D and CA) (forum conveniens)
- *Major Shipping v Cosco* (antisuit injunction, exclusive jurisdiction and arbitration clauses –Comm Ct and CA)
- *Phillips v Enron* (antisuit injunction- CATS/J Block litigation, Comm. Ct)
- *American International Speciality Lines v Abbott Laboratories* (Anti-suit injunction, Comm. Ct)
- *Mobil Sales v Sinochem* (stay and exclusive jurisdiction clause, Comm ct)
- *Franklin Mint* (proceedings against Diana Princess of Wales Fund, Ch Div)

### Energy, oil, gas and electricity

*BHP Billiton v E.on* was an expedited Commercial Court trial involving disputed termination of a Gas Sales Agreement. Other arbitration, litigation and expert determination include:

- *SSEESL v Rocksavage* (gas supply arbitration)
- *EIC v Guardian* (claim against energy intermediary)
- *B v T* (confidential expert determination, acted as expert)

- *D v R* (s44 applications in comm. ct, subsequent energy arbitration involving gas supply in middle east)
- *Eggborough Power Station*
- *Drax Power station*
- Electricity-hedging contracts and effect of NETA
- *Forties Field and other North Sea fields* (numerous oil and gas disputes)
- *CATS pipeline and J block*
- *Corby power station*
- *Saipem* (heavy lifting barge market)
- *Petrogal* (crude oil refining)

## Banking and finance

Many of these matters are referred to under major commercial litigation. *Primary Group v RBS* was a recent Chancery 10 day trial involving allegations of breach of confidence. Derivatives, letters of credit, cheques and other negotiable instruments. Disputes involving the acquisition and sale of companies, including many warranty claims.

- *Primary Group v RBS*
- *Calyon v PZL* (long comm. ct trial before David Steel J, settled after conclusion of trial, involving ISDA terms and Polish law)
- *Enterprise Power v ESBI* (warranty claims)
- *Banco Santander v Bayfern* (letter of credit fraud)
- *BVA v National Bank of Pakistan* (UCP Art 44)

## Financial Services and Regulation

Charles' practice includes regulatory and financial services work. He appears in regulatory and disciplinary tribunals. He also appears in disciplinary tribunals in sporting matters (see sports law).

- *FSA v Fox Hayes*
- *Sir Michael Richardson* (advance fee fraud warning)
- *Marconi* (profit warning)
- *My Travel* (profit warning)
- *Barings* (acted for Ron Baker, Leeson's boss)

## Commercial Fraud

Freezing injunctions, search orders, Norwich Pharmacal and Bankers Trust orders, asset tracing and breach of trust remedies:

- *Pacific Electric Wire & Cable v Texan Management* (HK fraud on Taiwanese company)
- *Montpellier Estates Ltd v Leeds City Council* (fraud arising from public procurement)
- *Bloomsbury International v Holyoake* (alleged fraud in seafood business)
- *Petroval v Stainby* (BVI action tracing proceeds of money laundering-see under commercial litigation)
- *Rosenberg v Nazarov* (share transfer fraud in partnership involving Russian aluminium, Ch Div)
- *Crown Dilmun v Sutton* (breach of fiduciary duty, trust remedies, Peter Smith J)
- *Wheatley v Raprofil* (tracing rights from Israel British Bank frauds, Ch Div)
- *BMTL v NKAZ and Rual Trade* (asset tracing in BVI transfer pricing dispute)
- *Secilpar v Fiduciary Trust* (Gibraltar Court of Appeal- attempts to determine beneficial ownership of trust, Norwich Pharmacal)
- *Sultan of Brunei v Prince Jefri* (High Court of Brunei)

## Professional Negligence

Recommended by Chambers & Partners and the Legal 500 for Professional Negligence.

Nominee for 'Professional Negligence Silk of the Year 2009', Chambers Bar Award.

Negligence claims involving solicitors, barristers, accountants and auditors, actuaries, insolvency practitioners and investment bankers, stockbrokers and fund managers.

- *Mingyuan Medicare Development Company Limited & Ors v Deloitte* (accountant negligence-Hong Kong court)
- *Muirgold* litigation (claim against city firm in relation to completion of a property transaction).
- *Baxendale-Walker v Deloitte and others* (claim by ex-solicitor and tax expert for conspiracy against Deloitte and others)
- *Composite* ("Son of TAG" litigation against 88 firms of solicitors for negligence, Comm Ct, managed by Flaux J and Teare J)
- *The Accident Group Litigation* (claim by insurers of after-the-event insurance schemes against 634 firms of solicitors for negligence: Comm Ct, managed by Aikens J and David Steel J-see under commercial litigation)
- *Reachbyte v Brewin Dolphin* (claim against stockbroker for breach of duty)
- *Green Denman & Co v Skandia Life Insurance* (claim for breach of duty by IFA against pension provider)
- *Paragon v Freshfields* (solicitors negligence)
- *Lombard v Williams de Broe* (stockbrokers negligence)
- *Kyrris v Oldham*
- *Kyrris v Burger King* (claims against administrators for breach of duty)
- *NRG* (claims against actuaries, accountants and investment bankers arising from acquisition of reinsurer)

## Conflicts of Interest

Charles has written the leading book on the law of conflicts of interest, and regularly lectures on the topic. He advises very many of the leading law firms on dealing with conflicts of interest, and confidential information, both generically and in relation to specific problems that occur.

- *Harb v Prince Abdul Aziz* (apparent bias of trial judge as a result of extrajudicial letter)
- *Rim v DLA* (application to injunct law firm in Blackberry litigation)
- *Skjevesland v Gevevan Trading Co* (conflicts of interest involving counsel)
- *Bloomsbury International v Holyoake* (conflict on interest of company administrators)

## Documentary Evidence

As a result of his well-known book *Documentary Evidence*, which is regularly cited in court, Charles has been involved in many of the leading cases in relation to the law of documents, disclosure and legal professional privilege, Norwich Pharmacal and letters rogatory. He has lectured on these topics for many years and on numerous occasions given affidavit expert evidence for foreign courts, particularly US courts: see eg *In Re Trygg Hansa* 1995 596 Fed Supp 624, 628. He gives regular advice on document creation, document management policies for corporations, and particular problems relating to disclosure and privilege.

- *Atlantisrealm Ltd v Intelligent Land Investments* (inadvertent disclosure)
- *Tchenguiz v Grant Thornton UK* (collateral undertaking-meaning of "use" of documents)
- *Ferster v Ferster* (unambiguous impropriety in mediation privilege)
- *ENRC v Dechert LLP* (implied and limited waiver of privilege)
- *Rawlinson & Hunter Trustees v SFO* (inadvertent disclosure-public interest immunity / privilege)
- *A v E* (directors' rights of access to company documents)
- *Rawlinson & Hunter v Akers* (non-party disclosure / litigation privilege)
- *Constantin v Ecclestone* (applications for non-party disclosure under CPR 31.17)

- *Montpellier Estates Ltd v Leeds City Council* (electronic disclosure)
- *Terra Firma v Citibank* (expert evidence on English law in NY dispute re purchase of EMI)
- *Baha Musa Inquiry* (whether waiver of privilege in AG's advice on applicability of ECHR in Iraq)
- *Hutchison 3G v O2 Ltd* (pre action disclosure in Art 81 claim, David Steel J)
- *West London Pipeline and Storage v Total UK* (Buncefield: litigation privilege dominant purpose-Comm Ct)
- *Winterthur Swiss Insurance Company v The Accident Group* (rights of access to insurers and privilege) Aikens J
- *Three Rivers DC v Bank of England (No 6)* (privilege-HL)
- *Three Rivers DC v Bank of England (No 4)* (non-party disclosure, CA)
- *USA v Philip Morris* (litigation privilege for letters rogatory claim, CA)
- *Black v Sumitomo* (pre-action disclosure CA)
- *Paragon v Freshfields* (waiver of privilege CA)
- *NRG v Bacon & Woodrow (No 1)* (waiver of privilege- Colman J)
- *Interbrew v Financial Times* (Lightman J and CA) (Norwich Pharmacal-leaked takeover documents)
- *Axa v Nat West* (Norwich Pharmacal)
- *PPG v Boeing* (letters rogatory)
- *Rush & Tompkins v GLC* (without prejudice privilege-HL)

## Sports Law

Recommended by Chambers & Partners for sports law.

Charles has long been known as having a particular expertise in sports litigation. He has appeared in a large number of sports cases, appearing in the High Court, in disciplinary tribunals, arbitration, and before the Court of Arbitration In Sport. He has chaired disciplinary and doping tribunals in athletics, football, yachting, swimming, weightlifting and bobsleigh, rugby union and rugby league. He has always had extensive expertise in doping cases. also been Chairman of the Bar Sports Law Group. He chairs tribunals for the UK National Anti-Doping Panel and acts as an Anti-Corruption Hearing Officer for the Tennis Integrity Unit as well as chairing IAAF Disciplinary tribunals.

Cases include:

### Athletics

- *IAAF v Kenteris and Thanou* (Greek athletes case before CAS)
- *IAAF v Katrina Krabbe* (drugs)
- *IAAF v Linford Christie* (drugs)
- *BOA v Whitlock* (Chaired drugs panel)

### Football

- *Hassey v Kelechi Iheanacho* (chair)
- *Colchester United v Norwich City* (FA commission-tapping up manager)
- *MSI/ Just Sports v West Ham* (Ch Div-Carlos Tevez)
- *Joorabchian v West Ham* (Ch Div)
- *FA v Arsene Wenger* (Chair)
- *Wimbledon FC v Football League* (Chair-Wimbledon move to Milton Keynes)
- *Sunderland FC v Uruguay Montevideo FC* (QBD)
- *Sports Management Services v Bolton Wanderers and Okocha* (Manchester Merc court)
- *Southend FC v Rotherham FC* (Arbitration)
- *Crystal Palace v Bradford City* (Chair)

## **Horseracing**

- *Bookmakers Afternoon Greyhound Services v Amrac* (Turf TV-Article 81) (Ch D)
- *Attheraces v British Horseracing Board* (Art 82 excess pricing- Ch D and CA)
- *Goodwood Racecourse v SIS* (Ch D-pre race data)

## **Cricket**

- *Digicel v West Indies Cricket Board* (Arbitration-Stanford 20/20)
- *Stanford v Digicel* (Comm ct-Stanford 20/20)
- *Kookaburra cricket bat* (Ricky Ponting bat)

## **Boxing**

- *Federation Luxembourgeoise de Boxe v Professional Boxing promoters Assn* (Frank Warren-Haye/Chisora fight)
- *Don King Productions v Frank Warren* (partnership dispute)

## **Tennis**

- *Aljaz Bedene v ITF* (Davis cup eligibility-sole arbitrator)
- *Adidas-Salomon v Draper* (Article 81/82-dress code in grand slam events)

## **Rugby**

- *Rotherham FC Enquiry* (failure to win promotion)
- *Leeds Rhinos v Bradford Bulls and Iestyn Harris* (rugby league-inducing breach of contract)

## **Polo**

- *Pictet v Hurlingham Polo Assn* (disciplinary proceedings)

## **Swimming**

- *UK Sport v British Swimming* (synchronised swimming funding- chair)
- *BOA v Mark Foster* (Chair-non-selection for Olympic team)
- *Tonia Couch v British Swimming* (chair-appeal against Olympic diving non-selection)

## **Motor racing**

- *Hamilton Management Group v Paul Di Resta* (trial November 2013)
- Logos/marketing disputes/Formula 1 disputes/ lawfulness of cars

## **Yachting**

- *RYA v Johnston* (Chair -drugs panel)
- *RYA v Peacock* (injunction-coaching rival team)

## **Other sports**

- Weightlifting (Chair- drugs panel)
- Bobsleigh (Chaired appeal in relation to team selection for Vancouver 2010)

## **Media and Entertainment**

Charles' media work dovetails with his sports expertise. He acted for Barclays in upholding an injunction

preventing The Guardian publishing details of tax avoidance documentation on its website.

- *ITV Network v Performing Right Society*, (meaning of “non-precedential” in copyright tribunal reference)
- *Barclays v Guardian Newspaper* (publication of tax avoidance scheme details)
- *Skype v Joltid* (worldwide litigation relating to Skype software license)
- *Excelsior v Yorkshire TV* (royalties for "Darling Buds of May")
- *VPL v Chart Show* (reference to Copyright Tribunal in relation to music video royalties)
- *TV3 v Granada* (satellite overspill affecting TV in Ireland)
- *Cashman v Hewson* (U2 disputed memorabilia)
- Acted for Major Charles Ingram (accused of cheating on "who wants to be a millionaire"), Caroline Quentin (fraudulent agent) and in relation to Party Poker contracts and "The Ossie Clark diaries".
- *BPI v MCPS* (composers' royalties-first reference before copyright tribunal)

## EU/Competition

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### EU Law

Charles has acted in a number of significant high court trials involving competition law and freedom of movement rights

On freedom of movement, *Viking v ITF* involved union ship boycotts in Finland, started life as a commercial court trial which Charles argued and, since the CJEU decision, is now the leading case on freedom of establishment. Since then Charles has been involved in a number of freedom of movement cases, often involving transport unions. The “Open Skies” litigation, involving a BA pilots’ strike raised similar issues.

In competition law, he was instructed for BT in the first ever reference to the Hong Kong Competition Tribunal *Competition Commission v Nutanix and others* (a case involving bid-rigging) under the new Hong Kong competition statute. In England, he has been involved in the fuel surcharge cartel litigation *Emerald Supplies v British Airways*. *Attheraces* involved the High Court finding that the British Horseracing Board was guilty of excessive pricing in breach of Article 82 in relation to data rights after a four week trial, a decision subsequently reversed by the Court of Appeal. In *Adidas* the Claimants argued that the application by the tennis Grand Slam Committee of the dress code to the three stripes logo was discriminatory and in breach of both Art 81 and 82. *H3G* is the first important authority on the application of pre-action disclosure to competition cases. In *BAGS* the issue in a seven week trial was whether exclusive licence agreements for picture rights from racecourses involved price fixing and were in breach of art 81.

- *Hong Kong Competition Commission v Nutanix* (bid rigging)
- *Emerald Supplies Ltd v British Airways plc* (air fuel surcharge cartel litigation)
- *Montpellier Estates Ltd v Leeds City Council* (public procurement)
- *Purple and Meteor Parking v Heathrow Airport Ltd* (airport parking monopoly)
- *Jones v Ricoh UK* (breach of NDA in photocopier market)
- *Derwent v Mercedes-Benz* (termination of 17 Mercedes distributorships)
- *Sel-Imperial v British Standards Institute* (breach of competition act in over-rigorous standards)
- *Viking Line v ITF and FSA* (freedom of establishment (Gloster J and CA, case settled after ruling by ECJ prior to referral back to CA)
- *BA v BALPA* (freedom of establishment-pilots’ strike)
- *Attheraces v British Horseracing Board* (Etherton J and CA-excess pricing under Article 82 in relation to pre-race data)
- *Bookmakers Afternoon Greyhound Services v Amrac* (Morgan J- Turf TV, exclusive agreements and Art 81)
- *Hutchison3G v O2* (pre-action disclosure in Art 81 mobile phone claim)
- *Adidas-Salomon v Draper Morrill VC* (tennis dress code as breach of Art 81 and 82)



## Reported cases

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- *Astex v Astra Zeneca* 2018 EWCA Civ 2444 (Appeal from trial on drug discovery case)
- *Ashany v EcoBat Technologies* 2018 EWCA Civ 1066 (costs appeal to Court of Appeal)
- *Investec Trust (Guernsey) v Glenalla Properties* 2018 2WLR 1465 (Privy Council appeal on Tchenguiz Guernsey trust claim)
- *Paymaster (Jamaica) Ltd v Grace Kennedy Remittance Services Ltd* 2018 Bus LR (Privy Council appeal - breach of confidence and copyright appeal from Jamaica)
- *Atlantisrealm Ltd v Intelligent Land Investments* 2017 EWCA Civ 1029 (CA on inadvertent disclosure rules)
- *Ilkerler Otomotiv Perkins Engines* 2017 EWCA Civ 183 (good faith obligations in termination of distributor agreement)
- *Tchenguiz v Grant Thornton UK* 2017 1 WLR 2809 (Comm) Knowles J (collateral undertaking-meaning of “use” of documents)
- *ITV Network v Performing Right Society* 2017 EWHC 234 (Ch) Mann J, (meaning of “non-precedential” in copyright tribunal reference)
- *Roberts v SSAFA* 2016 EWHC 2744 (QB) (Art 8(2) of recast Brussels Regulation)
- *Harb v Prince Abdul Aziz* 2016 EWCA Civ 556 (Appeal from Peter Smith J judgment in relation to promise to ex-wife of Saudi king - apparent bias where judge wrote letter to head of Blackstone Chambers)
- *Ferster v Ferster* 2016 EWCA Civ 717 (unambiguous impropriety in mediation)
- *Rawlinson & Hunter Trustees v SFO* CA 2.3.16 (Lloyd Jones and Richards LJJ) (CPR 31.22 application)
- *Bentley Motors v GTI* 5.1.16 Jay J unreported (mandatory injunction/Bentley spare parts)
- *Rawlinson & Hunter Trustees v ITG Ltd* 2015 EWHC 1557 (Ch) 2015 EWHC 1924 (Ch) Morgan J (issue estoppel and abuse of process - second bite at the cherry)
- *Libyan Investment Authority v Societe Generale SA* 2015 EWHC 1925 (Comm) Flaux J (appointment of receiver over major litigation where dispute as to authority to act for LIA)
- *ENRC v Decherts* 2014 EWHC 3389 (Ch) Roth J (limited waiver of privilege and loss of confidentiality)
- *Rawlinson & Hunter Trustees v Akers* 2014 EWCA Civ 136 (Court of Appeal-litigation privilege / non party disclosure)
- *Rawlinson & Hunter Trustees v SFO* 2014 EWCA Civ 1129 (inadvertent disclosure-public interest immunity / privilege)
- *Primary Group v Royal Bank of Scotland* 2014 EWHC 1082 (Ch) Arnold J (banking confidentiality-Wrotham Park damages)
- *A v E* 2014 EWHC 715 (Ch) Deputy Judge Simon Monty QC 6.2.14 (confidential judgment on directors' rights of access to company documents)
- *Constantin v Ecclestone* 2013 EWHC 2674 Ch (non party disclosure under CPR 31.17)
- *FG Wilson v Holt Liverpool* 2014 1WLR 2365 (CA divide 2-1 and give leave to appeal to Supreme Court; 2012 2 Lloyds Rep 479 Popplewell J (Romalpa clause/no set off/ UCTA / s49 Sale of Goods Act); also 2013 EWCA Civ 779 Tomlinson LJ (security for appeal)
- *Tinkler v Elliott* 2012 EWCA Civ 1289 (CA judgment on setting aside judgment at trial); see also 2013 EWHC 797 (QB); further judgment from Court of Appeal 2014 EWCA Civ 564 in relation to leave to commence contempt proceedings
- *SC Johnson v Sara Lee* 2013 EWHC 3080 Ch Roth J (claim for specific performance of sale agreement)
- *Volkswagen Aktiengesellschaft v Garcia* 2013 EWHC 3080 Pat (Patents Court) Birss J (breach of confidence/freedom of expression/cracking code on VW immobiliser)
- *Young v Young* 2013 EWHC 3937 (Fam) Moor J (representing solicitor witness)
- *Montpellier Estates Ltd v Leeds City Council* 2013 EWHC 166 (QB) Supperstone J (fraud trial arising from public procurement) 2012 EWHC 1343 (QB) Beatson J (electronic disclosure)
- *Jones v IOS (RUK) Ltd* 2012 EWHC 348 (Ch) (competition law/ breach of confidence/ Wrotham Park)
- *Pacific Electric Wire & Cable v Texan Management* 2012 HKCF1505, Reyes J, Hong Kong commercial court (HK commercial fraud trial)
- *Smith v Butler* 2011 EWHC 2301 (Ch) (authority of managing director)

- *IKOS CIF v Hogan Lovells* 2011 EWHC 2724 (Ch) Mann J (indemnity costs on dispute relating to hedge fund software)
- *JSC BTA Bank v Ablyazov* 2011 EWHC 2988 Teare J (setting aside service)
- *Erlson v Hampson Industries plc* (fraudulent misrepresentation on sale of company/attribution of knowledge) Field J 20.4.11
- *Hawksford Trustees v Botterill* (discharge of third party injunction -non-disclosure) December 2010
- *Baxendale Walker v Deloitte* (strike out of conspiracy claim by tax adviser, Supperstone J) 2011 EWHC 998 (QB)
- *Sel-Imperial v British Standards Institute* 2010 EWHC 854 (ch) Roth J (competition law breach in restrictive British Standard)
- *Bloomsbury International v Holyoake* 2010 EWHC 1150 (Ch) Floyd J (administrator conflict of interest)
- *Skype v Joltid* (antisuit injunction-exclusive jurisdiction) 2009 EWHC 2783 (Ch) Lewison J
- *Axa v Akther and Darby* (Composite litigation) 2009 EWCA Civ 1166 (CA); 2009 PNLR (Flaux J) (limitation); permission to appeal to Supreme Court granted
- *Excelsior v Yorkshire TV* (Darling Buds of May royalties) 2009 EWHC 1751 (Comm) Flaux J
- *Arla Foods v Barnes* (milk supply agreement) 2009 1BCLC 699 Sir E Evans Lombe
- *Rayden v Edwardo and Tchenguiz* 2008 EWHC 2689 Comm Gloster J (liability of guarantor where primary debtor in liquidation)
- *Fox Hayes v FSA* 2009 EWCA Civ 76 CA (financial promotions)
- *Investec v The Retail Group Plc* 2009 EWHC 476 Ch Sales J (construction/rectification)
- *Barclays v Guardian Newspapers* 2009 EWHC 591 QB King J (publication of confidential tax avoidance scheme documentation)
- *Bookmakers Afternoon Greyhound Service v AMRAC and SIS* (Turf TV-Article 81) 2008 EWHC Ch Morgan J 8.8.08
- *Viking Line v ITF and FSU* 2005 EuLR 1036 Gloster J, 2006 EuLR 509, CA settled before further CA hearing after ECJ ruling (freedom of establishment)
- *H3G v O2 (UK) Ltd* 2008 EWHC 55 David Steel J (pre-action disclosure in competition law)
- *Rosenberg v Nazarov* 2008 EWHC 812 Ch (fraud-partnership dispute)
- *West London Pipeline and Storage Ltd v Total UK Ltd* 2008 EWHC Comm 25.9.08 (privilege-Buncefield) Comm ct
- *Jayam v Diamond Trading Company* 2007 EWCA Civ 1360 (allocation of diamonds by de Beers) CA
- *Kyrris v Burger King* 2007 EWHC 753 Ch Blackburne J (negligence claim against insolvency practitioners)
- *Winterthur Swiss Insurance Company v The Accident Group Ltd* 2006 EWHC 839 Comm Aikens J (after the event insurance-rights of inspection and privilege)
- *Green Denman & Co v Scandia Life* 2006 EWHC 1626 Ch (wrongful interference claim against pension provider) Ch Div
- *Adidas-Salomon AG v Draper* 2006 EuLR 1057 (Art 81-82, rules on dress code for tennis grand slams) Morritt VC
- *British Horseracing Board v Attheraces* 2006 FSR 20 Etherton J, 2007 EWCA Civ 38 CA (Art 82, excess pricing of horseracing data)
- *NBTY Europe v Nutricia* 2005 2 Lloyds Rep 350 (compromise/mistake) Comm ct
- *Three Rivers DC v Bank of England* 2005 1AC 610 HL (privilege appeal)
- *USA v Philip Morris* 2004 EWCA 330 (letters rogatory and privilege) CA
- *Base Metals Trading Ltd v Shamurin* 2004 1All ER (Comm) 159, Tomlinson J, 2005 1WLR 1157 CA (proper law/metal trading)
- *Goodwood Racecourse v Satellite Investment Services* 11.10.04 Sir Donald Rattee (pre-race data)
- *Granville Baird v Blackden* 2004 EWHC 72 QB Simon J (investment bank arrangement fee)
- *Commerzbank v Price Jones Times* 8.12.03 CA (restitution-mistaken payment)
- *Crown Dilmun v Sutton* 2004 1BCLC 468 Peter Smith J (constructive trusts-sale of Fulham Football ground)
- *Tigana v Decoro* 2003 EuLR 148 (commercial agents) Davis J
- *Three Rivers v Bank of England (No 4)* 2002 4 All ER 881 CA (non-party disclosure)
- *RC Residuals v Linton Fuels* 2002 1 WLR 2782 CA (relief from sanctions)
- *American Speciality lines v Abbott Laboratories* 2003 1 All ER 267 (antisuit injunction) Cresswell J

- *Black v Sumitomo* 2002 1 WLR 1562 CA (pre-action disclosure)
- *Skjevesland v Geveran Trading Co* 2003 1 All ER 1 CA (conflicts of interest involving counsel)
- *Interbrew SA v Financial Times* 2002 1 Lloyds Rep 542 Lightman J, 2002 2 Lloyds Rep 229 CA (Norwich Pharmacal-leak of takeover documents)
- *Standard Bank v Apostolakis* 2002 CLC 939 David Steel J (Art 13, Brussels Convention)
- *Criterion Properties v Stratford* 2002 2 BCLC 151 (poison pills) Ch D
- *Sunderland FC v Uruguay Montevideo FC* 2001 2 All ER Comm 881 (football) QBD
- *Sinochem v Mobil Sales (No 1)* 2000 1 Lloyds Rep 339 CA (set off rights)
- *Sinochem v Mobil Sales (No 2)* 2000 1 Lloyds Rep (exclusive jurisdiction clause) Rix J
- *Astra v Sphere Drake Insurance* 2000 2 Lloyds Rep 550 (Romanian law/ jurisdiction of arbitrator David Steel J)
- *Govt of Zanzibar v British Aerospace* 2000 1 WLR 2333 (exclusion clauses/misrepresentation) Comm Ct
- *Astra v Yasuda* 1999 CLC 950 (Romanian law/ jurisdiction of arbitrator) Toulson J
- *Re Barings, DTI v Baker (No 3)* 1999 1 All ER 311 CA (directors disqualification-abuse of process) CA
- *Re Barings, DTI v Baker (No 5)* 1999 BCLC 433 (directors disqualification) J Parker J
- *Paragon v Freshfields* 1999 1 WLR 1183 CA (waiver of privilege)
- *Petrogal v BP* 1999 1 Lloyds Rep 854 (remission of arbitrator's award) Comm Ct
- *R v Advertising Standards Authority ex parte Robertson* (jurisdiction of ASA) Times 26.11.99 Moses J Admin Ct
- *Westacre v Jugoimport* 1999 3 All ER 864 CA (foreign arbitration award-public policy)
- *Quadrant v Quadrant Research (No 1)* 27.11.98 New Law Digest (patent infringement/contractual repudiation) Pumfrey J
- *Quadrant v Quadrant Research (No 2)* 1999 FSR 918 (non-party costs) Pumfrey J
- *Zockoll v Mercury* 3.3.98 New Law Digest (premium phone numbers-unfair terms) CA
- *Don King Productions v Frank Warren* 1998 2 All ER 608 (partnership dispute) Lightman J
- *Stabilad v Stephens & Carter (No 1)* 1998 4 All ER 129 (security for costs appeal) CA,
- *Stabilad v Stephens & Carter (No 2)* 1999 2 All ER (Comm) 651 (contractual intention) CA
- *Axa Equity and Life v Nat West* 1998 PNLR 433 CA (Norwich Pharmacal)
- *IM Properties v Cape & Dalgleish* 1998 3 All ER 203 CA (jurisdiction to award s35A interest)
- *Glolite v Jasper Conran* Times 28.1.98 Neuberger J (material and irremediable breach)
- *NRG v Bacon & Woodrow (No 1)* 1995 1 All ER 976 (waiver of privilege) Colman J
- *NRG v Bacon & Woodrow (No 2)* 1995 2 Lloyds Rep 77 (admissibility of evidence) Colman J
- *NRG v Bacon & Woodrow (No 3)* 1997 Lloyds Rep IR 678 Colman J
- *Sarrio v Kuwaiti Investment Office* 1997 1 Lloyds Rep 113 (CA), 1997 4 All ER 929 (HL) (Brussels Convention, competing jurisdictions)
- *Macsteel v Thermasteel* 1996 CLC 1403 CA (jurisdiction)

## Qualifications

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- Deputy High Court Judge (Queen's Bench Division)
- Deputy High Court Judge (Chancery Division)
- Crown and civil court Recorder
- Called to the Bar in the Eastern Caribbean
- Called to the Bar in Cayman
- Called to the Bar in Gibraltar
- Called to the Bar in Brunei
- Called to the Bar in Hong Kong as full member
- Board Member, Bar Standards Board 2006 to 2011
- Chair, Standards Committee of Bar Standards Board 2006 to 2011
- Member, National Anti-Doping Panel
- Tennis Integrity Board Anti-Corruption Hearing Officer
- Member, International Association of Athletics Federation Disciplinary Tribunal

- James Mould Scholar of Gray's Inn
- Bacon Holt and Uthwatt prizewinner
- King's College Cambridge 1974-77 (first class honours in Classics)
- University College School, Hampstead (Scholar)

## Publications

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"Documentary Evidence" 1st ed 1985, 10th ed 2009, 13th ed 2018

"Conflicts of Interest" 1st ed 2000, 4th ed 2011, 5th ed 2016

"Phipson on Evidence" (editor with others ) 19th ed 2017

"Competition Litigation" (contributor) 1st ed 2010

"Documentary Evidence in Hong Kong" (2015)

## Directory Quotes

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- Charles Hollander QC is a "big hitter in the market" who "can cut through to the heart of the matter at hand", most notably when it comes to search orders, asset tracing and freezing injunctions. (Who's Who Legal - UK Bar: Civil Fraud 2019)
- "A delight to work with; in addition to being an excellent lawyer, he is very well liked by clients." "The master of disclosure issues and privilege, he's a good trial lawyer and a fine cross-examiner." (Chambers & Partners UK & Global 2019)
- "He is very experienced." "He is very knowledgeable. Thorough but practical, and willing to respond very quickly in an emergency." (Chambers & Partners 2019)
- "Massively experienced." (Chambers & Partners 2019)
- "An excellent technical lawyer and a persuasive advocate." (The Legal 500 2018-19)
- "He gives good advice in difficult areas, where judgement is needed as well as a good grasp of the law." (The Legal 500 2018-19)
- "Brick Court Chambers' Charles Hollander QC is also admitted to the Hong Kong Bar, where he is active in various disputes." "Excellent and robust – able to turn things around when the judiciary is not with you." (The Legal 500 2018-19 Asia Pacific: The English Bar - Commercial)
- "He's candid on the prospects of a case, not overly cautious, and he doesn't beat around the bush." "He is an acknowledged expert on documentary evidence." (Chambers & Partners 2018)
- "A go-to silk on heavyweight commercial disputes and claims involving discrete conflict or confidentiality issues." "Charming and highly able." (Chambers & Partners 2018)
- "A highly experienced sport lawyer," who is "clear and decisive in his approach." (Chambers & Partners 2018)
- "Seen as the leading lawyer on conflicts by many firms." (The Legal 500 2017)
- "An expert on legal professional privilege." (The Legal 500 2017)
- "Charles has an excellent understanding of sports law and a great feel for tactics and the wider picture. He has great authority but remains highly approachable." (Chambers & Partners 2017)
- "He has the ability to provide focused and practical solutions." "He is massively persuasive; it's very clear from a very early stage that he knows what he's talking about." (Chambers & Partners 2017)
- "A sound, methodical thinker who is good at getting the court to listen to what he has to say." "He is good to work with, an excellent advocate and an acknowledged expert on documentary evidence." (Chambers & Partners 2017)
- "A truly great and genuine team player suited to complex, large legal team litigation." (The Legal 500 2016)
- "He provides succinct and practical advice." (The Legal 500 2016)
- "Experienced in a wide range of sports matters, including tennis, football and cricket." (The Legal 500 2016)
- "An expert on legal professional privilege." (The Legal 500 2016)

- "He is incisive, flexible and good to work with. He is an excellent advocate and the acknowledged expert on documentary evidence." (Chambers & Partners 2016)
- "Charles is naturally authoritative and unbelievably clever, but not a grandstander - he is very methodical and sensible." (Chambers & Partners 2016)
- "Charles Hollander is first-rate for difficult claims against professionals. He has a good manner with clients in testing circumstances, he is strong on devising strategies and has a comprehensive knowledge of commercial and professional law. His judicial experience enables him to give authoritative and helpful advice on how defences are likely to be received. He inspires confidence and works extremely well with the solicitor teams on cases." (Chambers & Partners 2016)
- "A silk held in high esteem by solicitors, who has significant courtroom presence and intellectual ability and a reputation for being very easy to work with. " (Chambers & Partners 2015)
- "He has an intricate mind and can devise points that few others can think of" (Chambers & Partners 2015)
- "Ascends to the top tier of commercial silks after receiving outstanding feedback for a broad commercial and chancery practice. He is noted for sector specialisms pertaining to the media and sports industries." (Chambers & Partners 2014)
- "Charles is a formidable advocate and his intellect and ability to distil down complex issues are second to none." "A class act, brilliant on his feet and able to answer complex legal questions in a concise and user-friendly style." (Chambers & Partners 2014)
- "The 'phenomenal' Charles Hollander QC at Brick Court Chambers handles Formula 1, boxing and football cases" (The Legal 500 2013)
- "An extremely impressive advocate who is very thorough and handles matters with fantastic skill." Sources applaud his "piercingly crisp" advocacy, and use him for matters of great import." (Chambers & Partners 2013)
- "A cerebral silk and a strong advocate" who is well loved by instructing solicitors as he forms "precise and steady views." He "knows everything there is to know about disclosure" and is "excellent with clients." "When we've got something really tricky we know we can count on him," say his devotees." (Chambers & Partners 2013)
- "an absolute pleasure to work with and is always absolutely on top of his game." Sources are full of praise for his "direct, incisive advice - he doesn't hedge his bets." (Chambers & Partners 2011)
- "renowned for possessing a formidable intellect and "a really good way of putting across complicated arguments in simple terms." "(Chambers & Partners 2011)
- Universally known as a "great performer," he "always delivers incredibly erudite, balanced and well-polished arguments." (Chambers & Partners 2010)
- brings a fantastic cerebral approach to cases, is extremely clever and preps cases thoroughly from a very early stage." (Chambers & Partners 2010)
- "Authoritative and commercial, "; "a superb leader who shows an immense amount of tact and diplomacy in sensitive cases." (Chambers & Partners 2009)