BRICK COURT
CHAMBERS

Brick Court Chambers
7-8 Essex Street, London WC2R 3LD
DX 302 London Chancery Lane

Frederick Wilmot-Smith

YEAR OF CALL: 2018

"Clearly one of the best legal minds of his generation but also very user-friendly and practical."

Chambers & Partners, 2025

Email: **Frederick.Wilmot-smith@brickcourt.co.uk**



Practice Overview

Frederick's practice is principally in commercial law. He has been described as "probably the best junior for complicated law you can get" and "a hands-on practical litigator".

Fred has been instructed in a number of leading commercial cases including, in the last year alone, *Republic of Mozambique v Credit Suisse International* , a claim in the Commercial Court of over US$2 billion, *InvestBank v El-Husseiny*, a claim brought under s.423 of the Insolvency Act 1986, and *Azima v RAKIA* , a claim alleging State sponsored hacking. He has acted unled in the commercial court on numerous occasions, often against silks.

He has substantial appellate experience, having appeared before the Court of Appeal and Supreme Court on a number of occasions, and has also appeared in the Privy Council. His experience includes both written and oral submissions: he recently argued (successfully) an issue concerning pleading claims in unjust enrichment before the Court of Appeal.

As well as his practice as a litigator, he provides advice and acts as an expert on all aspects of English private law.

In all his work he is able to draw on his considerable experience as an academic lawyer. 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 by the United Kingdom Supreme Court, as well as the highest courts in Australia, Canada and Singapore.

Commercial

Cases in which Fred has been or is instructed include:

- *Republic of Mozambique v Credit Suisse International* : a substantial claim brought by the Republic against financial and commercial institutions. Acting for the Seventh – Tenth Defendants, Fred is led by Duncan Matthews KC, Philip Riches KC and Ben Woolgar. The case has been to the Supreme Court already on a section 9 challenge.
- *InvestBank v El-Husseiny* : a claim brought by InvestBank founded upon section 423, Insolvency Act 1986. Led by Tim Penny KC.
- *Azima v RAKIA*: a claim by Mr Azima against a sovereign wealth fund, alleging hacking and the procurement of judgments by fraud. Let by Tim Lord KC and Thomas Plewman KC.
- *Perry v Lopag Trust Reg No 2* [2023] UKPC 16: Fred acted for the successful respondent in an appeal to the Privy Council concerning Cayman, Israeli, Liechtenstein law, and which turned on the proper approach to appeals on facts (including facts about foreign law). Led by Justin Fenwick KC and Graeme McPherson KC.
- *Patisserie Valerie v Grant Thornton* : proceedings brought by Patisserie Valerie alleging negligence by the auditors. Acting for Grant Thornton and let by Simon Salzedo KC, James Brocklebank KC and Ed Harrison.
- *Stokoe Partnership v Patrick Grayson and others*: instructed by the claimant in a case alleging breach of confidence and unlawful means conspiracy. Led by Tim Lord KC, Richard Hill KC and Gerard Rothschild, the case went to the Court of Appeal on a question of crossexamination of a *Norwich Pharmacal* deponent on their affidavit.
- *CVS v Ralph*: led by Thomas Plewman KC, Fred acts for the claimant in a case alleging deceit and breach of contract.
- *Vale v Steinmitz* : led by Stephen Houseman KC, Fred was instructed to argue before the Court of Appeal on a question concerning the scope of equitable rescission in an arbitration context.

Frederick also acts alone in a number of matters, both in the County Court and the High Court, and is happy to take advisory instructions or to act as an expert.

Public Law

Frederick acts for HMRC in various cases concerning restitution of overpaid tax. Current instructions include *Test Claimants in the Franked Investment Income Group Litigation* (where Fred appeared before the Supreme Court twice: [2020] UKSC 47, [2021] UKSC 31, and will be in the

Court of Appeal at least twice this year), *Jazztel* ([2022] EWCA Civ 232), and *British Telecom* ([2023] EWCA Civ 1412).

He has also acted *pro bono* in the First-Tier Social Security Tribunal and the Upper Tribunal in cases involving Human Rights Act 1998 and Child Tax Credits. He also acts unled in matters before the Employment Tribunal.

Other information

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)

Professional experience

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

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

Selected publications

- 'Express and Implied Terms' *Oxford Journal of Legal Studies*, (2023) 43(1), p. 54-75

- ‘Justice for Foxes’ *Law Quarterly Review* (2022) 138 (Oct), 588 (co-authored with Lord Sales)
- *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
- '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, practicioners and academics) which assisted Professor Andrew Burrows in producing *A Restatement of the English Law of Contract* (OUP, 2016)

directory quotes

"Fred is a barrister whose written advocacy is meticulous. If you have a case which has knotty legal issues or the potential for an appeal, he is the man to turn to." (Chambers & Partners 2027)

"He is just joyous to deal with and is someone who punches well above his weight." (Chambers & Partners 2027)

"Fred Wilmot-Smith is the brightest junior I have ever come across. A man with great understanding of the law, he is incredibly detailed in his research - he will read every case and understand it in more detail than most." (Chambers & Partners 2027)

"Fred is very innovative, has encyclopaedic knowledge of the law and is excellent on his feet." (Chambers & Partners 2027)

"Fred Wilmot-Smith is the brightest guy of his generation at the Bar. He can take a question that seemingly doesn't have an answer and he will find you one." (Chambers & Partners 2027)

"He is incredibly detailed in research and his understanding of the law; he will read every case and understand it in more detail. He is very academic – one of the brightest lawyers around." (Chambers & Partners 2027)

"Fred is incredibly bright, and he has an impressive command of the law. He is a true asset to any legal team." (Chambers & Partners 2027)

"He's attentive, smart, considered and highly professional – just joyous to deal with and also a highly skilled advocate." (Chambers & Partners 2027)

"He is academically exceptional, with first-class written work, excellent advocacy skills and strong attention to detail." (Chambers & Partners 2027)

"He's very intelligent and really pleasant to work with. He also has the confidence to test his own ideas on people and share his thinking. He's very good at client management and is a good, clear advocate in court." (Chambers & Partners 2027)

"He is excellent. He is a very strong lawyer who is very knowledgeable on the law and he translates that into good strategic thinking. He's very impressive." (Chambers & Partners 2027)

"He has an unparalleled academic knowledge but is a very astute litigator." (Chambers & Partners 2027)

"Incredible; he's a superstar in the making." (Chambers & Partners 2027)

"He is very clever and knows a lot about his areas. He is seriously bright, very creative and inventive. For a relatively junior barrister he is a really good advocate." (Chambers & Partners 2027)

"Legally astute and a sophisticated thinker, also an excellent team member." (Legal 500 2027)

"He can very creatively create opportunities for clients given his real depth and knowledge. He finds practical solutions. He is hard-working and a breath of fresh air." (Chambers & Partners 2026)

"Fred is extremely bright, user-friendly, helpful and reliably good on the law." (Chambers & Partners 2026)

"He knows more about restitution that anyone. He has an exceptional academic background but is still commercial and practical. He's just got an absolutely encyclopaedic knowledge." (Chambers & Partners 2026)

"He's very clever, very articulate and argues his cases very well. He's very good at dealing with how specialist areas of law intersect with more generalist private law." (Chambers & Partners 2026)

"Fred is an up-and-coming and dynamic junior." (Chambers & Partners 2026)

"Fred is extremely bright, no question about that. He's a good clear writer, strong in court and good on his feet." (Chambers & Partners 2026)

"Fred is a star." (Chambers & Partners 2026)

"Fred Wilmot-Smith is quickly become a highly regarded junior in group claims in tax law, and is particularly recognised for his technical expertise in remedies and restitution." (Chambers & Partners 2026)

"Fred Wilmot-Smith is already recognised as a go-to junior for cross-border high-profile civil fraud proceedings. He is also experienced in appellate matters." (Chambers & Partners 2026)

"Fred's written advocacy is meticulously researched, fluid and faultless, and his oral advocacy is spot-on. He is clear and compelling. Judges listen to him with great attention." (Chambers & Partners 2026)

"Fred has the ability to spot points others don't spot, especially when dealing with complex legal arguments. He is a great oral advocate and will be a star of the future." (Chambers & Partners 2026)

"He has incredible knowledge of the law and is uniquely placed given his time as a lecturer at Oxford. For practical and legal solutions to problems, there is no one better." (Chambers & Partners 2026)

"Fred is an outstanding intellect with an extraordinary depth of legal knowledge. His written advocacy is excellent, and he is an outstanding junior for any leader." (Legal 500 2026)

"Fred's sheer intellect is what stands out." (Chambers & Partners 2025)

"He's clearly one of the best legal minds of his generation but also very user-friendly and practical. He brings the highest possible intellect to play for his clients." (Chambers & Partners 2025)

"Fred is whip-smart, diligent and a pleasure to work with.His drafting is as crisp as a morning breeze and he is both clear and measured when on his feet." (Chambers & Partners 2025)

"No one can match Fred in his legal research skills. His strength is the law - his depth of understanding far outstrips other juniors." (Chambers & Partners 2025)

"Fred is extremely easy to work with. He's very collaborative and happy to get stuck in and work alongside us." (Chambers & Partners 2025)

"Fred is a very strong advocate – judges love hearing from him." (Chambers & Partners 2025)

"His intellect is just fierce. He is charming with clients and solicitors, and a real team player." (Legal 500 2025)

"Fred is extremely bright but also humble. His technical ability is outstanding and he comes up with clever and novel ideas yet he is also always open to suggestions and discussion." (Legal 500 2025)

"He is an unbelievably clever man and wise beyond his years. He does not miss a single point and will be a total star." (Chambers & Partners 2024)

"He is probably the best junior for complicated law you can get." (Chambers & Partners 2024)

"Fred provides impeccable analysis, always adapts himself to the circumstances of the case and plays his role within the team beautifully." (Chambers & Partners 2024)

"Fred is extremely bright - he has ideas no one else will think of." (Chambers & Partners 2024)

"Fred is definitely one to watch. He is so bright and a hands-on practical litigator." (Chambers & Partners 2024)

"Frederick is an excellent advocate. He is thoughtful of the wider picture and attentive to the granular detail, in equal measure. He has the ability to take one through complex areas of fact and law quickly but carefully and sum up the heart of the matter." (Chambers & Partners 2024)

"Fred is incredibly good, academically brilliant and super nice." (Chambers & Partners 2024)

"Fred is incredibly clever, even by London commercial Bar standards. He has an academic's in-depth understanding of complex legal theories and concepts, but manages to be an extremely practical barrister nonetheless." (Legal 500 2024)