BRICK COURT
CHAMBERS

Brick Court Chambers
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DX 302 London Chancery Lane

Michael Bools KC

YEAR OF CALL: 1991 **YEAR OF SILK**: 2012

"Michael Bools is absolutely superb: he is very good on his feet, his paperwork is immaculate and he is someone whom solicitors love working with"

Chambers & Partners 2024

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Practice Overview

Michael Bools's practice covers all areas of commercial law and advocacy and he has particular experience in large scale fraud cases and energy and natural resources disputes. He appears at all levels of the court system and in arbitrations and mediations.

He has recently been heavily involved in both in the *Privat Bank* US$2.6 billion fraud litigation as well as ENRC's long-running claim against *Neil Gerrard and Dechert LLP*.

He is recommended by the legal directories in the fields of commercial dispute resolution, civil fraud and energy and natural resources. Chambers & Partners 2024 describes Michael as "brilliant" and "a great team player who is both academic and practical" while the Legal 500 2024 reports that "He squeezes every drop of juice he can out of difficult cases, and does it with charm and a smile".

Commercial

Commercial Litigation

Michael has a broad-based commercial practice which involves litigation and arbitration both at first instance and at appellate level. He is also called to the Bar of the British Virgin Islands.

Fraud

Many of Michael's current and recent cases involve fraud. In particular, he is currently instructed in *Privat Bank v. Kolomoisky et al* and has acted for Mr Kolomoisky since the inception of the dispute

in 2017, including at the interlocutory, jurisdictional stage, both at first instance ([2019] 1 All E.R. (Comm) 971, Fancourt J) and in the Court of Appeal ([2020] Ch 783); and at the trial between June-November 2023. Michael also acts for Dechert LLP in its dispute with ENRC and did so at both recent trials ([2022] EWHC 1138 (Comm), liability) and ([2023] EWHC 3280 (Comm), causation and quantum).

Other examples of the variety of fraud cases in which Michael has been involved have included: defending an alleged fraudulent presentation under a standby letter of credit (both at first instance, *Petrosaudi Oil Services (Venezuela) Ltd v Novo Banco SA* [2016] EWHC 2456 (Comm), and in the Court of Appeal [2017] EWCA Civ 9 and [2017] EWCA Civ 32); representing the seller in a claim to rescind the sale of a 1954 Ferrari model 375 Plus Grand Prix Roadster (*Bonhams 1793 Ltd v Kleve, et al*); and representing Bambino Holdings Ltd (the Ecclestone family trust company) in the long running dispute about the sale of Formula 1 in 2005/6 which resulted in two substantial actions: *Constantin Medien AG* v. *Bernard Ecclestone and others* [2014] EWHC 387 (Ch) and *Bluewaters* v. Bayerische Landesbank.

Chambers and Partners notes that "He's got exactly the right touch for the big cases" (2017) and that “he is the glue for the team" (2020).

Energy and Natural Resources

Michael is recommended by both Chambers & Partners (2024) and the Legal 500 (2024) in Energy and Natural Resources, being described by the former as “think[ing] through practical issues very well and … very client- and user-friendly" and the latter having noted that Michael is "Well versed in international energy disputes for major oil companies" (2020) and “understands the energy sector extremely well” (2018-19).

He regularly advises major oil companies including, *TotalEnergies*, *Centrica*, *Chevron*, *Shell*, *BP* and *ExxonMobil*. He also appears in energy related disputes both in the Commercial Court and in arbitration. Of particular interest is the Court of Appeal’s decision in *British Gas Trading Ltd v. Shell UK Ltd* ([2020] EWCA Civ 2349) which, while dealing with issues as to the proper construction of a long term take or pay GSA, also considered the appropriate counterfactual to be applied in determining damages for breach, the Court finding, as *McGregor* (21st Ed, §8-142A) puts it: “…the normal measure of damages entitles a buyer to the value of performance promised even if it is impossible. And the counterfactual for the recovery of consequential losses depends on what would have happened if the seller had not been in breach. It does not ask what would have happened if the seller had known that it would be in breach”. Other cases of note include: a Commercial Court claim in relation to the sale by Litasco of substantial oil cargoes for importation into Yemem; *Cadogan Petroleum Holdings v. Global Process Systems* [2013] 2 Lloyd’s Rep. 26, involving a disputed sale and purchase agreement relating to two gas plants and issues as to the applicability of the penalty doctrine to forfeiture clauses; *Venture North Sea Gas Ltd* v. *Nuon Exploration & Production UK Ltd* [2010] EWHC 204 (Comm), an expedited Part 8 trial to

determine whether *Nuon* was contractually obliged to complete a £100 million purchase of various North Sea gas fields; *Colour Quest Ltd & ors* v. *Total Downstream UK PLC & ors* [2009] 2 Lloyd's Rep. 1, representing *Chevron* in relation to its potential liability arising out of the explosion at the Buncefield oil terminal (both at the trial and before the Court of Appeal); and *Shell UK Ltd* v. *Revenue and Customs Commissioners* [2008] STC (SCD) 91 (scope of liability for petroleum revenue tax).

A considerable proportion of Michael's practice also involves energy related disputes in arbitration proceedings: see 'Arbitration' below for examples.

General Commercial (and others!)

In addition to fraud and energy and natural resources, Michael's practice encompasses commercial law more generally. By way of examples only, he appeared as a junior (unled) at first instance, in the Court of Appeal and, ultimately, in the House of Lords in *Scottish & Newcastle* v. *Othon Ghalanos* [2008] 1 Lloyd's Rep. 461 (HL) and [2007] 2 Lloyd's Rep. 341(CA), the leading authortity on Article 5(1)(b) Brussels Regulations - jurisdiction, place of delivery under a CFR contract; he represented Mr Crehan, with others, in the House of Lords in *Crehan* v. *Inntrepreneur Pub Co.* [2006] 3 WLR 1; acted for ITV in its long-running dispute with *STV* in actions before both the Commercial Court and in the Chancery Division; and was involved in a number of disputes arising out of the banking crisis and, in particular, two cases centred on the collapse of *Lehman Brothers* in relation to which he advised a large pension fund in relation to losses suffered as a result of the investment of cash collateral from a stock lending program in *Lehman*'s and represented a large sovereign wealth fund in an LCIA arbitration centred on the allegedly negligent loss of stock deposited with *Lehman* with an unlimited right of use; and in *I C Mutual* v. *Robinson et al* Michael acted for the administrators of an investment fund in claims against the fund's auditors for negligence in relation to an alleged *Ponzi* scheme.

In addition, Michael maintains an interest in shipping law and is the co-author of Aikens, Lord & Bools, *Bills of Lading*, (Informa 2021), now in its third edition. His doctoral thesis, *The Bill of Lading as a Document of Title to Goods: an Anglo American Comparison,* was published by LLP.

Finally, as a general commercial barrister, Michael has been involved in a number of more unusual cases, including, representing the FIA in disciplinary proceedings against the Mercedes Formula One Team for in-season tire testing; obtaining an urgent injunction to restrain the removal from the jurisdiction of a £1.2 million Santo Serafino 'cello made in Venice in 1752 (*Madame Francoise Chamarre* v. *J & A Beare Limited*); acting for the seller of a 375 Plus Grand Prix Roadster Ferrari against Bonhams (*Bonhams 1793 Ltd v Kleve, et al*); advising on the public international law aspects of the shooting of Jean Charles de Menezes; and acting for a large number of soldiers involved in the *Bloody Sunday Inquiry*, including in three judicial reviews of the tribunal's decisions in relation to the anonymity of witnesses and the venue for their evidence: *R (A and others)* v *Lord Saville of Newdigate and others* (CA) [2002] 1 WLR 1249 (Venue for military evidence); *R* v *Lord Saville of Newdigate et at¸ ex parte A et al* [2000] 1 W.L.R. 1855 (CA) (Anonymity); and *R* v *The Bloody*

Sunday Inquiry, ex parte B and others (CA), The Times 5th April 1999).

Freezing Orders

Perhaps inevitably, given the nature of Michael's practice, he has considerable experience in the obtaining, defending and operating of freezing orders. Most recently, he has argued issues relating to additional disclosure orders in relation to frozen assets ([2023] EWHC 165 (Ch)), mandatory ancillary orders requiring positive action to preserve frozen assets ([2022] EWHC 1445 (Ch)) and as to the scope of the ordinary and proper course of business exception ([2018] EWHC 1910 (Ch) and [2018] EWCA Civ 3040). More distantly, Michael was instructed in the now seminal case on the role of disclosure orders in Motorola Credit Corporation v Uzan and others (No.1) (CA) [2002] EWCA Civ 989, 26 June 2002 (refusal of stay of disclosure); and the inexpediency of worldwide freezing orders in support of foreign proceedings Motorola Credit Corporation v Uzan and others (No.2) (CA) [2004] 1 WLR 113. Other freezing order cases in the UK include Mobil Cerro Negro Ltd v. Petroleos de Venezuela SA [2008] 1 Lloyd's Rep. 684; and Director of the Assets Recovery Agency v Creaven & ors [2006] 1 WLR 622 (freezing order in asset recovery proceedings - quasi in rem proceedings - legal and living expenses) and in the BVI Garkusha v. Yegiazarian et al (2015, Comm Ct, BVI).

Enforcement of Judgments and Awards

Michael's interest in the enforcement of foreign judgments and awards has led him to be involved in a number of particularly interesting cases raising issues about enforcement proceedings against States. In particular, Svenska v Government of Lithuania concerned the enforcement of a New York Convention award and whether that involved proceedings that were related to the underlying transaction for the purposes of s.3(1)(a) of the State Immunity Act, 1978 as well as complicated questions of whether the tribunal's determination of its jurisdiction gave rise, in the circumstances, to an issue estoppel and as to the proper scope of s.9 of the 1978 Act (see, [2005] 1 Lloyd's Rep. 515 (Teare J); [2006] 1 Lloyd's Rep. 181 (Gloster J); and [2007] 2 WLR 876, Court of Appeal). In a related vein, in Gold Reserve Inc v. Bolivarian Republic of Venezuela [2016] 1 W.L.R. 2829 Michael represented the investor in a claim to enforce a US$713 million award under the ICSID Additional Facility Rules which raised issues as to the procedure for service of enforcement proceedings on a State as well as issues as to the construction of the relevant BIT and the duty of full and frank disclosure. Other enforcement proceedings include Tidewater v. Bolivarian Republic of Venezuela (ICSID) and Alfred Mann v. Roland 'Roel' Pieper (New York Court).

Arbitration

Michael is regularly instructed as counsel in arbitrations involving a wide range of commercial disputes: typical examples include an ICC arbitration relating to the supply of an LNG storage and regassification vessel; a SIAC arbitration determining the competing information rights as between

joint venture partners; an UNCITRAL arbitration of disputed entitlements under an offshore drilling contract; an ICC arbitration involving a dispute as to whether a State was bound by an exploration agreement signed on its behalf by a Vice President; a three week arbitration between the parties to a cancelled shipbuilding contract; representing a large sovereign investment fund in a dispute about payments due under a sale and purchase agreement for an interest in a Sudanese oil field; advising in relation to potential liability for a collapsed stow; acting for Mobil Oil Nigeria in arbitral proceedings arising out of a joint venture agreement for the exportation of bitumen from Nigeria; an arbitration between joint venture partners involving diamond mining licences in Arkhangelsk; and an LCIA arbitration arising out of the collapse of *Lehman Brothers*.

Qualifications

DPhil (Oxon), LLB (Hons) (UEA), Barrister, Diplock Scholar of The Middle Temple, 1990-1991.

Directory Quotes

- "He has a manner and approach that garners the trust of the court and is very effective." (Chambers & Partners 2027)
- "Michael's oral and written advocacy was first rate, as was his cross-examination." (Chambers & Partners 2027)
- "Clever, hardworking, responsive, likable." (Legal 500 2027)
- "Michael Bools KC is a well-regarded silk who is noted for his expertise in both obtaining and defending freezing orders. He is regularly instructed in high-profile and high-value civil fraud claims." (Chambers & Partners 2026)
- "Michael Bools KC is a respected silk with experience of oil and gas exploration disputes, acting both for and against government bodies of various nations. He is also adept in cases pertaining to renewables. Bools is frequently instructed by major oil companies in Commercial Court proceedings." (Chambers & Partners 2026)
- "Michael is just so unbelievably helpful and easy to deal with; he's supportive and also easy to integrate into a team." (Chambers & Partners 2026)
- "His written advocacy is spellbinding." (Chambers & Partners 2026)
- "He has a calmer style of advocacy, which works quite well." (Chambers & Partners 2026)
- "His knowledge and feel for the right tactics in a case are second to none." (Chambers &

Partners 2026)

- "Michael Bools KC is a top choice for complex commercial disputes. He is extremely hard-working and has a charming yet persuasive style of advocacy which gets results." (Chambers & Partners 2026)
- "Michael Bools is very user-friendly, responsive and practical." (Chambers & Partners 2026)
- "Mike is a very charming, highly intelligent and hugely experienced barrister." (Legal 500 2026)
- "Genuinely user-friendly, he can absorb masses of detail and identify the key points you need to deal with. He has fantastic judgement concerning what matters in a case." (Chambers & Partners 2025)
- "Michael Bools is really user-friendly and a really good advocate." (Chambers & Partners 2025)
- "Michael is an excellent advocate." (Chambers & Partners 2025)
- "He is genuinely user-friendly, can absorb masses of detail and identify the key points you need to deal with." (Chambers & Partners 2025)
- "Michael is hugely personable. He is great with clients and a charming advocate, but behind the easy manner is a pin-sharp intellect and total commitment to his clients." (Legal 500 2025)
- "Very down to earth, accessible and responsive, he is able to master the details of complex areas and present a coherent case." (Legal 500 2025)
- "An imperturbable and authoritative advocate." (Legal 500 2025)
- “Michael is very unflustered. However urgent an issue may look, he always takes a step back and gives confident, assured advice." (Chambers & Partners 2024)
- "Michael is brilliant and a delightful opponent." (Chambers & Partners 2024)
- "Mike thinks through practical issues very well and is very client- and user-friendly." (Chambers & Partners 2024)
- "Michael Bools is absolutely superb: he is very good on his feet, his paperwork is immaculate and he is someone whom solicitors love working with." (Chambers & Partners 2024)
- "Michael Bools is a great team player who is both academic and practical." (Chambers & Partners 2024)
- "Has a very easy and attractive advocacy style, but he also has a keen intellect and makes incisive points crisply and powerfully." (Legal 500 2024)
- "A cracking opponent. He squeezes every drop of juice he can out of difficult cases, and does it with charm and a smile. A great barrister and a lovely man." (Legal 500 2024)
- "A clever and hugely likeable barrister who operates in line with the best traditions of the Bar,

Michael is collegiate and sensible, even with opponents." (Legal 500 2024)

- "He thinks very carefully about the points, comes up with things his opponents haven't and is a fluent advocate." "He is great with clients and an exceptional commercial advocate." (Chambers & Partners 2023)
- "Michael is brilliant." "Michael is user-friendly and very sharp." (Chambers & Partners 2023)
- "He is a strong, technical lawyer and a senior and experienced commercial silk." "Michael is brilliant, client-friendly, accurate and someone who fights your corner." (Chambers & Partners 2023)
- "His geniality makes him a real pleasure to work with and he is a calm and charming advocate, but he has a razor-sharp intellect, deep knowledge of the law and a healthy appetite for success." (Legal 500 2023)
- "Mike's geniality makes him a real pleasure to work with and he is a calm and charming advocate. But don't be fooled - he has a razor sharp intellect, deep knowledge of the law and a healthy appetite for success." (Legal 500 2023)
- "Just extremely user-friendly and responsive, as well as highly strategic in his approach." (Chambers & Partners 2022)
- "He is very relaxed in court and has a very refreshing style." "He really takes good points and runs them so well. He's not theatrical, but very smooth and a real professional." (Chambers & Partners 2022)
- "He is a very tenacious advocate." "He is a very measured and formidable opponent." (Chambers & Partners 2022)
- "Very clever, good on his feet and lovely to work with." (Legal 500 2022)
- "It might not be immediately obvious from his relaxed manner, but he is an outstanding lawyer, with a real depth of knowledge." (Legal 500 2022)
- "He is very commercial and frighteningly clever." "His submissions are to the point and he makes all the right points." (Chambers & Partners 2021)
- "Incredibly user-friendly." "He has a nice manner in court." "Very likeable and charming, which can get you a long way in front of a judge." (Chambers & Partners 2021)
- "He has a nice manner in court and he makes his point in a good way to a judge." (Chambers & Partners 2021)
- "A top-flight KC – calm under pressure, a clear thinker, firm and fair opponent and attractive advocate." (Legal 500 2021)
- "A clear thinker who is thoughtful, measured and calm under pressure. (Legal 500 2021)
- "He is very good at separating the wood from the trees and cutting through issues. He delivers excellent advocacy." (Chambers & Partners UK & Global 2020)

- "He's very hard-working, very positive and very responsive at all times - he is the glue for the team." "Bools is brilliant, very user-friendly, and someone with broad expertise and a brilliant brain." (Chambers & Partners UK & Global 2020)
- "He is excellent, and always prepared to roll up his sleeves to engage with the finer detail." (The Legal 500 2020)
- "Well versed in international energy disputes for major oil companies." (The Legal 500 2020)
- "A real team player who is very thorough and deals with difficult tribunals well." (Chambers & Partners UK & Global 2019)
- "A very clear, meticulous thinker, who is incredibly user-friendly." "He's very clever and he explains things in a simple but confident manner." (Chambers & Partners 2019)
- "A delight to work with, always makes himself available and very user friendly." (The Legal 500 2018-19)
- "Bright, knowledgeable, and understands the energy sector extremely well; fun to work with, too." (The Legal 500 2018-19)
- "Hard-working and bright." "A very good, hands-on commercial silk who is also excellent with clients." "His advice is sensible and commercial. (Chambers & Partners 2018)
- "He was very charming, and put up a tremendous performance in an awful case when everything was against him." (Chambers & Partners 2018)
- "A first-rate advocate and a very good lawyer." (The Legal 500 2017)
- "An intellectual heavyweight who is always thorough and detailed in his preparation." "He's got exactly the right touch for the big cases" and is "excellent on his feet." (Chambers & Partners 2017)
- "He knows what is really important, has a succinct style, and is utterly charming." (The Legal 500 2016)
- "He is a great guy and an excellent lawyer, who is very personable and a fabulous team player." (Chambers & Partners 2016)
- "He's everything that one would expect from Brick Court, and highly approachable." (Chambers & Partners 2016)
- "He comes across as a very calm, unflappable and charming advocate who tribunals have a lot of respect for." (Chambers & Partners 2016)
- "I have never seen a client not love him. He is a fantastic team player and a really hard worker." (Chambers & Partners 2016)
- "He is meticulous in his attention to detail, and is incredibly bright, fantastically user-friendly and highly accessible." (Chambers & Partners 2015)
- "He gets to grip with things very quickly, is very good with juniors, and is loved by clients. He

delivers good advice and is good on his feet." (Chambers & Partners 2015)

- “He is never afraid to make a difficult call, and gets stuck into the detail.” (The Legal 500 2014)
- “Has impressed market sources since taking silk in 2012.” (Chambers & Partners 2014)
- “Extremely clever, very responsive and a pleasure to work with.” “Manages to translate sound academic knowledge of the law into highly practical commercial advice.” (Chambers & Partners 2014)
- “He has a very nice manner and is tactically very astute. He’s an extremely nice person to deal with and an absolute delight to have as an opponent.” (Chambers & Partners 2014)
- "Michael Bools KC, sources say, is a "real pleasure to work with" who is "a clever lawyer, an excellent draftsman and a strong team player."" (Chambers & Partners 2013)
- ""grasps complex points very quickly" and is "an extremely persuasive advocate who is phenomenally clever."" (Chambers & Partners 2013)
- ’Has grown in stature and confidence’. (The Legal 500 2012)
- "Michael Bools is ‘the top barrister for all-round academic brilliance, ease to work with and sense of humour under extreme stress'." (The Legal 500 2011)
- "Michael Bools "has the ability to understand the most difficult technical issues and is excellent with clients."" (Chambers & Partners 2012)