



## **Adam Sher**

**Call:** 2007

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### **Practice Areas:**

Adam Sher has a broad commercial and civil practice in line with Chambers' profile, with experience in the following areas:

- Commercial Litigation and Arbitration
- Conflict of Laws and Jurisdiction
- Aviation
- Banking and Financial Services
- Insurance and Reinsurance
- Professional Negligence
- Civil Fraud

### **Education:**

BA Law, Oriel College, Oxford (First Class)

BCL, Oriel College, Oxford (Distinction)

LLM, Harvard Law School

BVC, BPP Law School (Outstanding, Highest mark in year)

### **Prizes & Scholarships:**

Sunley Scholarship (Lincoln's Inn, 2007)

Buchanan Prize (Lincoln's Inn, 2007)

Lord Mansfield Scholarship (Lincoln's Inn 2005)

Hardwicke Scholarship (Lincoln's Inn 2002)

Clarendon Scholarship (Oxford University, 2003)

Prize for best performance in Commercial Law finals paper (Oxford University, 2003)

College Prize for Finals results (Oriel College, 2003)

Lady Norma Dalrymple-Champneys Prize (Oriel College, 2002)

College Prize for final year student (Oriel College, 2002)

College Scholarships (Oriel College, 2001-2)

First Prize, *The Times* Law Awards (2003)



## Recent Practice:

### Banking and finance

Adam acted (with Bankim Thanki QC) for the Swiss private bank Julius Baer in *Winnetka Trading Corp v Julius Baer International* [2011] EWHC 2030 (Ch), a 10-day trial in the Chancery Division arising from a dispute with a former client. The case concerned *inter alia* the scope of the duty of care owed by banks to their customers (following cases such as *Springwell v JP Morgan Chase*).

Adam is also presently instructed on behalf of Merrill Lynch in a number of cases (led in some cases by Richard Handyside QC and in others by David Railton QC) involving derivative transactions (involving interest rate swaps and “sinking funds”) entered into between Merrill Lynch and various Italian public authorities.

Adam also acted (with Richard Handyside QC) for UFGIS (an affiliate of Deutsche Bank) in *UFGIS Trading Limited v Sigma Capital Corp & Chelt Trading*, a dispute relating to the sale of complex Russian securities, which settled shortly after trial in the Commercial Court.

Adam previously acted (with Bankim Thanki QC and Derrick Dale) for Deutsche Bank in *Deutsche Bank v APBW*, a US\$200+ million dispute with a Taiwanese telecommunications company arising from a financing transaction. The case, which raised complex issues of authority, knowing/dishonest assistance and restitution, settled shortly before the 10-week trial was due to commence in the Commercial Court.

Adam frequently appears on behalf of major retail banks and finance institutions in a diverse range of matters in the county courts and High Court.

### Commercial litigation

Adam is presently instructed (with Michael McLaren QC) in proceedings brought against an escrow agent claiming unpaid commission in relation to a substantial infrastructure project in the Middle East.

Adam also recently appeared (with Brian Doctor QC) for Incolabs in *Incolabs (Pty) Ltd v SSL International and Reckitt Benckiser PLC*, a dispute in relation a distribution agreement in South Africa which raised issues of contractual interpretation, estoppel by convention and rectification. The case settled shortly after a trial in the Chancery Division in June 2011.

Adam acted (with Andrew Mitchell) in a US\$10m claim in the Commercial Court on behalf of a foreign investment company against a former director for repayment of a sign-on bonus.



Other matters in which Adam has been involved include:

- Producing (with Bankim Thanki QC and Marianne Butler) an independent expert report for Freshfields Bruckhaus Deringer LLP in relation to issues of privilege, including consideration of the “iniquity” exception.
- Advising in relation to a claim for wrongful termination of an insurance intermediary agreement.
- Advising as to termination rights in relation to a contract for the provision of security services.
- Acting for an accountancy firm in relation to unpaid fees in a dispute which raised issues as to the proper interpretation of CPR Part 36.
- Acting for a “Big 4” accountancy firm in relation to a claim for substantial unpaid fees arising out of a dispute as to the scope of the retainer;
- Acting for a foreign bank in a dispute with a supplier of public relations and entertainment services;
- Acting for a telecommunications company in a contractual dispute with another telecommunications operator in a claim raising *inter alia* issues relating to champerty and maintenance.
- Acting for a company in a dispute with a law firm over fees alleged to be owed in the context of an unsuccessful merger.

### **Conflict of laws / jurisdiction**

Adam has a good working knowledge of the conflict of laws, including issues of jurisdiction, choice of law and recognition of foreign judgments, having previously taught the subject to undergraduates at UCL and having published in this area. Examples of work involving conflicts issues include:

- Obtaining (with Richard Handyside QC) an anti-suit injunction restraining proceedings abroad in order to protect an English arbitral award.
- Acting in relation to jurisdiction disputes arising from the derivatives cases involving Italian public authorities (see above under Banking and Finance), including issues relating to the scope of Article 23 of the Brussels Regulation.
- Assisting (during pupillage) in the jurisdiction dispute in *Deutsche Bank v APBW*, involving the scope of Art 23 of the Brussels Regulation, and in particular in relation to its applicability to claims in restitution.
- Advising on jurisdiction in relation to complex claims of breach of fiduciary duty and foreign company law provisions.
- Advising a foreign bank on jurisdiction in relation to interpleader proceedings regarding disputed funds.

### **Company Law**

Adam acted (with Michael Green QC) for HMRC in the appeal to the Supreme Court in *Commissioners for HMRC v Michael Holland* [2010] UKSC 51; [2010] 1 W.L.R. 2793 concerning the interaction of the doctrines of *de facto* directorship and the use of corporate bodies as directors.



**Civil Fraud**

Adam was instructed (with Simon Browne-Wilkinson QC) on behalf of a defendant in relation to an alleged VAT “missing trader” / carousel fraud.

**Professional negligence**

Adam acted (with Mark Simpson QC) for a firm of accountants in relation to a professional negligence claim in relation to tax advice.

Adam recently acted (with Bankim Thanki QC) for a law firm in proceedings in The Bahamas in respect of a claim for professional negligence arising from a conveyancing transaction. He remains instructed (as sole English counsel) to assist in relation to a similar claim in the same jurisdiction.

**Aviation**

Adam has been involved in a number of aviation disputes, including acting for the defendant in a multi-million pound claim under an aircraft lease.

Adam also regularly acts for and advises airlines in relation to issues arising from EC Regulation 261/2004 and the Montreal Convention.

**Publications:**

‘The National Minimum Wage: Under Threat From An Unlikely Source’ (2006) 35 Industrial Law Journal 289 (with Sarah Fraser).

‘Consensus, separability and Article 23 of the Brussels Regulation’ [2009] LMCLQ 275

**Other Experience:**

Research Assistant in the Commercial and Common Law Team at the Law Commission of England and Wales (2004-5).

Teaching Fellow in the Conflict of Laws, University College London (2004-5).

Teaching Fellow in Contract Law, University College London (2006-7).