



Fountain Court
CHAMBERS

2021: A REVIEW

DECEMBER 2021

INTRODUCTION

2021 has been a busy and exciting year for Fountain Court. Despite the challenges associated with the global pandemic continuing throughout the year, we have been lucky enough to experience some positive moments.

Once again, many of our members and staff have gained prestigious awards, rankings and appointments. We also worked on a number of high-profile cases including the *FCA Business Interruption Test Case*, *Stanford v HSBC*, the *SKAT* litigation, *Harcus Sinclair v Your Lawyers*, *CPS v Aquila* and many others.

We welcomed four new tenants following successful completion of their pupillages and we were joined by a number of lateral recruits, namely the highly regarded arbitration practitioner Matthew Gearing QC who joined from Allen & Overy; experienced commercial crime lawyer Robin Lööf who joined from Debevoise & Plimpton; commercial barrister Laurie Brock who joined from Maitland Chambers; and door tenant Zal Andhyarujina SA who is based in Mumbai.

This review looks at the commentary and thought leadership we produced in 2021, together with some of our news stories and significant cases.

We wish all of our colleagues and clients a very happy and healthy festive period and look forward to continuing to work with you in 2022.

Please [click here](#) to watch our Christmas message.



Bankim Thanki QC
Head of Chambers



Alex Taylor
Senior Clerk



Insights from 2021

Throughout 2021, we released a number of thought leadership pieces, focusing predominantly on two central themes – developments in the commercial crime area and issues relating to Brexit.

BREXIT



Civil Jurisdiction After Brexit: Where are we now?

Giles Wheeler QC produced a piece on the impact of Brexit and the implications on civil jurisdiction. Read more [here](#).



International Employment Cases Post Brexit

Louise Merrett and Dan Carall-Green produced a piece focusing on the area of international employment law post Brexit. The full piece can be found [here](#).



The Road Ahead for UK Insurers and Reinsurers: Rethinking Equivalence

Leigh-Ann Mulcahy and Nathalie Koh considered the position of UK insurers and reinsurers. Read more [here](#).



A Reset: The UK – EU Aviation Relationship Post Brexit

Akhil Shah QC and Alexandra Whelan provided insight into the implications of the agreement for aviation. Read more [here](#).



Proceeds of Crime Act: The New Regime for Asset Freezing and Confiscation

Eleanor Davison and Aaron Taylor produced an article on the provisions of title XI of part three of the UK EU Trade and Cooperation Agreement. Read more [here](#).

COMMERCIAL CRIME



Recent Case Analysis – July 2021

Eleanor Davison and Aaron Taylor provided an update on recent cases in the commercial crime field. Please see [here](#) for the full update.



Recent Case Analysis – October 2021

This piece, produced by Richard Lissack QC and Robin Lööf, looked at recent cases in the commercial crime field. Read more [here](#).



Money Laundering through Non Fungible Tokens

This piece, produced by Eleanor Davison and Aaron Taylor, explored 'NFT's'. Read more [here](#).



Reform of Corporate Criminal Liability – Law Commission Options Paper

Richard Lissack QC, Robin Barclay QC and Robin Lööf presented arguments for three broad options included in the consultation process. Read more [here](#).



Laurie Brock



Zal Andhyarujina SA

Accolades, new joiners and some high-profile judgments

Five Fountain Court members appointed to SFO panel

The members were appointed to the SFO's panel of external counsel, underlining our reputation and profile for commercial crime. Read more [here](#).

Alexander Milner named 'Barrister of the Week'

Alexander Milner was recognised by *The Lawyer* and named 'Barrister of the Week'. Read more [here](#).

Recognition in *The Legal 500's Asia Pacific guide*

Eight Fountain Court members were recognised by *The Legal 500* in January. Read more [here](#).

Bridget Lucas QC appointed to panel of chairmen of the Competition Appeal Tribunal

In January 2021, the President of the CAT announced the new members. Read more [here](#).

The Lawyer's 'Top 20' Cases of 2021

Fountain Court members featured in six of the named cases. Read more [here](#).

Chambers Global - 49 individual rankings

Fountain Court was recognised extensively in the global guide. Read more [here](#).

Laurie Brock joins Fountain Court

Fountain Court was pleased to announce the arrival of Laurie Brock in March. Read more [here](#).

Fountain Court welcomes Zal Andhyarujina SA

Fountain Court was pleased to announce that Zal Andhyarujina SA joined Chambers as a door tenant. Read more [here](#).

Major judgments and court appearances

- *Motorola v Hytera*: The Court of Appeal set aside a \$345 million freezing order, stating the law on the 'unambiguous impropriety' exception to without prejudice privilege. Read more [here](#).
- *Ingenious Litigation*: The Court of Appeal issued guidance on cross-undertakings for security for costs and litigation funders. Read more [here](#).
- *FCA Business Interruption Test Case*: The Supreme Court handed down the eagerly awaited judgment. Read more [here](#).
- *Etihad Airways v Flöther*: The Court of Appeal followed Louise Merrett's work on Asymmetric Jurisdiction Agreements. Read more [here](#).
- *Valbonne Estates v City Value Estates & Anor*: The High Court discharged a proprietary injunction and awarded indemnity costs. Read more [here](#).
- *Uber and Ola Cabs*: The Dutch Court gave the first judgments in the world on the right to an explanation of automated decision-making under GDPR. Read more [here](#).
- *Morley Estates v RBS*: Paul Sinclair QC and Natasha Bennett succeeded in the Court of Appeal. Read more [here](#).
- *R (Donegan) v FSCS*: The Administrative Court handed down a much-anticipated judgment in a claim for judicial review by investors in London & Capital Finance Plc. Read more [here](#).



Matthew Gearing QC



Robin Lööf

More new arrivals and landmark decisions

Anneliese Day QC leads independent review of safety of construction materials

Anneliese was appointed, alongside Paul Morrell OBE, to lead the review into the system of testing the safety of construction products, action taken as a result of the Grenfell Tower tragedy. Read more [here](#).

Matthew Gearing QC joins Fountain Court

Fountain Court was pleased to announce the arrival of Matthew Gearing QC from Allen & Overy in April this year. Read more [here](#).

Mentoring for Underrepresented Groups scheme: pupillage workshop

Fountain Court, alongside other participating sets, invited all current mentees in the *Mentoring of Underrepresented Groups* scheme to a virtual pupillage workshop in June. Read more [here](#).

Tetyana Nesterchuk named 'Barrister of the Week'

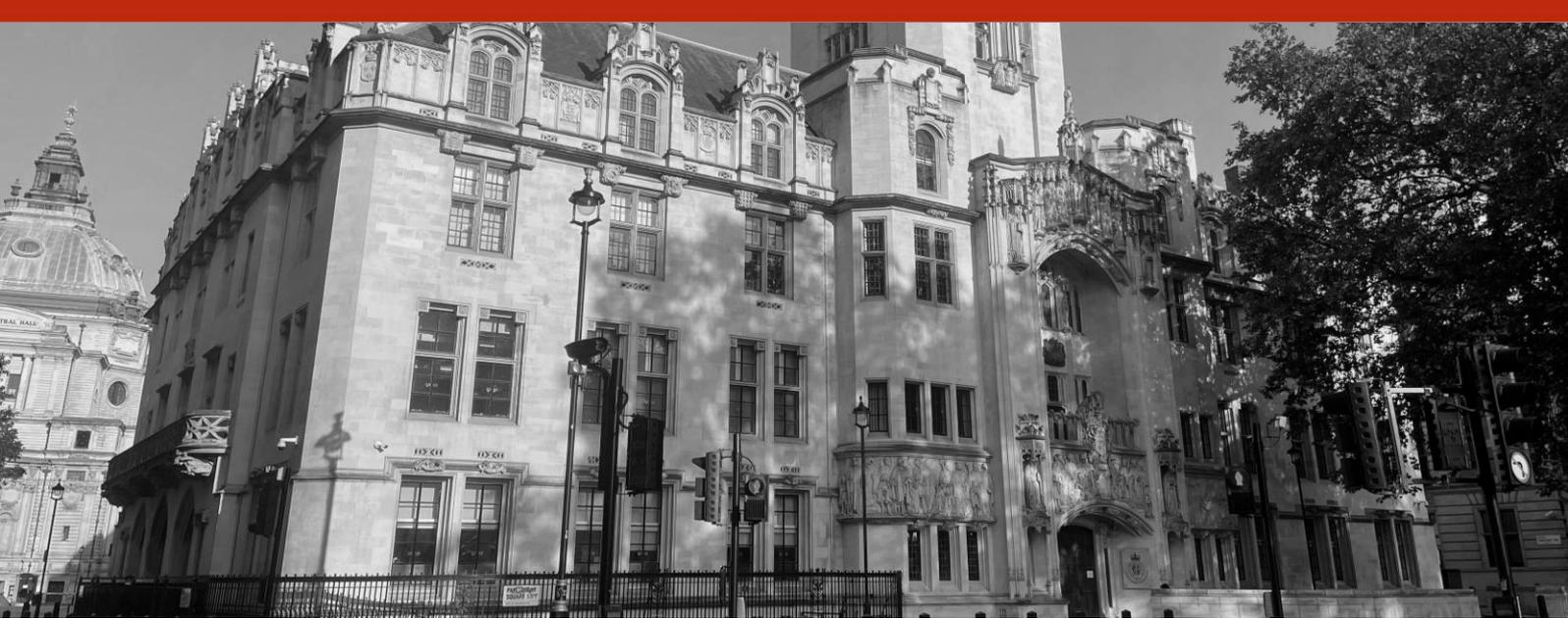
Tetyana Nesterchuk was recognised by *The Lawyer* and named 'Barrister of the Week' in May 2021. Read more [here](#).

Robin Lööf joins Fountain Court

Fountain Court was pleased to announce the arrival of commercial crime specialist Robin Lööf in June this year. Read more [here](#).

Major judgments and court appearances

- *Stanford International Bank Plc (in liquidation) v HSBC Bank plc*: The Court of Appeal ruled on loss and corporate dishonesty in the context of a Ponzi scheme. Read more [here](#).
- *Skatteforvaltningen v Solo Capital Partners & Ors*: The High Court issued a landmark dismissal of a £1.5 billion claim by the Kingdom of Denmark. Read more [here](#).
- *Global Display Solutions & Others v NCR Financial Solutions Group & Others*: The court considered issues of construction, rectification, intimidation and justification. Read more [here](#).
- *Stokoe Partnership v Grayson & Ors*: The Court of Appeal decided on cross examination on *Norwich Pharmacal* affidavits. Read more [here](#).
- *Tonstate Group Limited v Wojakovski*: The Chancery Division dismissed a funding disclosure application against a law firm representing an individual subject to a Worldwide Freezing Order. Read more [here](#).
- *Phonepe Pvt v EZY Services & Anor*: The Delhi High Court pronounced a landmark judgement in a case regarding exclusivity over generic words. Read more [here](#).
- *Boyse (International) Ltd v Natwest Markets Plc*: The High Court dismissed an appeal in the first case to be decided on limitation in LIBOR-rigging claims. Read more [here](#).
- *Valbonne Estates v Cityvalue Estates & United Homes*: The Court of Appeal upheld the discharge of a proprietary injunction. Read more [here](#).



Pledges, mentoring and two major Supreme Court decisions

Fountain Court is Founding Signatory of Greener Litigation Pledge

Together with other barristers' chambers, law firms and dispute resolution professionals, Fountain Court made a pledge to take active steps to reduce the carbon footprint of dispute resolution across England and Wales. Read more [here](#).

Fountain Court again works with other sets on a mentoring scheme for underrepresented groups at the Bar

Following the success of 2020's scheme, four more sets of chambers joined the scheme for 2021-2022, enabling us to work together to support even more applicants with their journey to the Bar. Read more [here](#).

Alexandra Whelan named 'Barrister of the Week'

Alexandra Whelan was recognised by *The Lawyer* and named 'Barrister of the Week'. See more [here](#).

Entries opened for the Christopher Bathurst Prize

It was the 12th year that Chambers sponsored the Prize, which was kindly supported again by the Singapore Academy of Law. Read more [here](#).

Philip Ahlquist named 'Barrister of the Week'

Philip Ahlquist was recognised by *The Lawyer* and named 'Barrister of the Week'. See more [here](#).

Chambers UK Bar Awards – Four Nominations

Fountain Court was shortlisted for four awards at the Chambers UK Bar Awards for 2021. Read more [here](#).

Major judgments and court appearances

- *Harcus Sinclair v Your Lawyers*: The Supreme Court revisited the restraint of trade doctrine and examined solicitors' undertakings. Read more [here](#).
- *Dargamo Holdings Limited and Sergiy Taruta v Avonwick Holdings Limited*: The Court of Appeal dismissed unjust enrichment appeal in a Ukrainian partners' dispute. Read more [here](#).
- *FCA v Barons Finance Limited & Ors*: The High Court made a remedial injunction requiring the removal of hundreds of charges, notices and restrictions registered against consumers' properties by an illegal money lender. Read more [here](#).
- *FRC v David Costley-Wood and KPMG*: A disciplinary tribunal established under the Accountancy Scheme severely reprimanded KPMG and imposed fines following findings of misconduct in relation to Silentnight. Read more [here](#).
- *Pakistan International Airline Corp v Times Travel*: The Supreme Court reaffirmed the existence of 'lawful act' duress in English law. Read more [here](#).



(From l-r) Daniel Schwennicke, Francesca Ruddy, Hannah Bernstein and Joseph Leech

New tenants and a focus on diversity

Fountain Court welcomes four new tenants

Daniel Schwennicke, Francesca Ruddy, Hannah Bernstein and Joseph Leech became members of chambers on 1 October 2021. Read more [here](#).

Fountain Court excels in *The Legal 500 2022* results

Our reputation and track record was recognised once again by way of 13 set level rankings. Read more [here](#).

Fountain Court signs up to Women in Law Pledge

The Women in Law Pledge was initiated by The Bar Council, The Law Society and the Chartered Institute of Legal Executives. Read more [here](#).

Fountain Court achieves top tier rankings in *Chambers & Partners' 2022 UK Bar Guide*

Chambers is ranked in a total of 12 practice areas with 175 individual rankings across 62 members. Read more [here](#).

Marianne Butler named 'Barrister of the Week'

Marianne Butler was recognised by *The Lawyer* and named 'Barrister of the Week'. See more [here](#).

Mentoring Scheme offers almost 200 places

Participating sets have, between them, offered places on the scheme to nearly 200 applicants. Read more [here](#).

Programme of events aimed at diversity in recruitment

Together with other sets, Fountain Court announced the programme and hosted the first event in December. Read more [here](#).

Christopher Bathurst Prize 2021

Fountain Court announced the winner of the Christopher Bathurst Prize 2021. Read more [here](#).

Three awards at the Chambers Bar Awards 2021

Awards included Professional Discipline Set of the Year, Commercial Litigation Junior of the Year and a Lifetime Achievement Award. Read more [here](#).

Major judgments and court appearances

- *Solicitors Disciplinary Tribunal v Mishcon de Reya and Liz Ellen*: The SDT dismissed allegations of misconduct against former Mishcon de Reya LLP partner. Read more [here](#).
- *Crown Prosecution Service v Aquila Advisory Limited*: The Supreme Court handed down a decision regarding whether the dishonest intentions of directors could be attributed to their company. Read more [here](#).
- *Nord Naptha v New Stream Trading*: The Court of Appeal upheld a \$16 million summary judgment in an oil and gas dispute following a force majeure event. Read more [here](#).
- *Litpop v Ukraine*: Ukraine defeated the largest investment treaty arbitration claim ever brought against it. Read more [here](#).

THE



Fountain Court
CHAMBERS

PODCAST

This year we saw the second half of series 1 and the introduction of series 2. Please click the links on the following page to listen to our episodes.

You can also listen now via your usual podcast platform or by visiting [our website](#).

THE **Fountain Court** CHAMBERS
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WITH REBECCA LOVERIDGE, BANKIM THANKI QC AND TAMARA OPPENHEIMER QC

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AN INTERVIEW WITH OUR HEAD OF CHAMBERS
WITH GILLIAN HUGHES AND BANKIM THANKI QC

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WITH ANDREW PULLEN, SMITHA MENON, DELPHINE HO AND PROFESSOR BENJAMIN HUGHES

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WITH ANDREW PULLEN, LAURENCE WONG, EDEE NG AND ARVINDRAN MANOOSEGARAN

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WITH NIK YEO, JACOB TURNER, JULIA SMITHERS EXCELL AND MINESH TANNA

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WITH ALEXANDRA WHELAN AND LOUISE MERRETT

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INSURANCE AGGREGATION: HOT TOPICS AND VIEWS FROM ACROSS THE MARKET
WITH LEIGH-ANN MULCAHY QC, BEN LYNCH QC, SONIA CAMPBELL, CHRISTINE WILLIAMS AND INGRID HOBBS

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UK CORPORATE CRIMINAL LIABILITY: THE CASE FOR REFORM AND KEY TAKEAWAYS FROM THE LAW COMMISSION CONSULTATION 2021
WITH RICHARD LISSACK QC, ROBIN BARCLAY QC, ELEANOR DAVISON AND ROBIN LOOF

LISTEN NOW



Alex Taylor

Alex Taylor receives Lifetime Achievement Award

Fountain Court's senior clerk Alex Taylor was awarded a Lifetime Achievement Award at the 2021 Chambers Bar Awards, in recognition of his outstanding career.

Fountain Court was also pleased to have won two additional awards on the evening:

- Professional Discipline Set of the Year
- Commercial Litigation Junior of the Year for Alexander Milner

Watch the videos [here](#) to see some of our winners' special moments.



(From l-r) Alex Taylor, Helen Griffiths, Luke Diebelius, Richard Coleman QC, James Cowdell and Mark Simpson QC



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