



# Charles Béar KC

Call 1986 | Silk 2003

*"He is an impressive and forceful advocate, and a formidable opponent."*

*The Legal 500*

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Charles Béar KC is recognised as one of the English Bar's outstanding advocates.

His practice is broad and includes a wide range of commercial litigation and arbitration, fraud, shareholder disputes, aviation work, and judicial review. He is equally happy representing major institutions or individuals.

As well as a noted trial advocate and cross-examiner, Charles has significant appellate experience having appeared in four Supreme Court / House of Lords appeals and on numerous occasions in the Court of Appeal. His successful advocacy at that level can be viewed on the Supreme Court [website](#), or at the Court of Appeal [here](#).

Charles has a record of being instructed in the most difficult and demanding cases, often replacing previous counsel. His extensive commercial disputes experience includes fraud and conspiracy, restitution, aviation, pharmaceutical/life sciences, offshore trusts, business sale and joint venture disputes as well as freezing injunctions, post-termination disputes and breach of fiduciary duty claims.

Charles was called to the Bar in 1986, was appointed Queen's Counsel in 2003, and has sat as a Recorder on the South Eastern Circuit since 2003. He has been chair of the Commercial Bar Association India Committee since its inception.

He is described in *The Legal 500* as "probably the most outstanding trial and appellate advocate of his generation" and "a formidable opponent" and within *Chambers & Partners*' as "a fantastic advocate".

## Recent Highlights

### Victor Pisante and others v (1) Logothetis (2) Libra Holdings (3) Lomar Shipping [2022] EWHC 161 (Comm), Commercial Court

Representing the successful claimant in the trial of its claim for fraudulent misrepresentation over a complex shipping transaction in which the defendants refinanced shipping interests with the private equity house KKR. Mr Justice Andrew Baker held that cross-examination had established that the first defendant had been guilty of deception when he persuaded the claimant to invest in the deal.

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### Motorola Solutions v Hytera Communications Corp [2021] QB 744, Court of Appeal

Successfully appealing the Commercial Court's grant of a US\$350 million post-judgment freezing order. The decision is a leading authority on without prejudice communications and establishes the evidential test for the exceptional cases when they can be admitted.

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### Chen-Mei Huan v Victory Success Holdings, 22 September 2021, Eastern Caribbean Court of Appeal

In the latest episode of a long-running BVI dispute over the New Beijing Hotel and casino in Macau, Charles acted for the successful defendants who were alleged to have obtained title to the hotel by extortion and kidnapping. The Court of Appeal set aside the interim injunction for non-disclosure, lack of *locus standi* and on the balance of convenience, and granted a stay of the underlying claim on *forum non conveniens* grounds.

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### R (Jet2.com) v Civil Aviation Authority [2020] QB 1027, Court of Appeal

Acting for Jet2 judicially reviewing the CAA for alleged misuse of powers in a media campaign. This case successfully established a major point of principle in the law of privilege (dominant purpose and legal advice).

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### One Step Support Ltd v Morris-Garner [2019] AC 642, Supreme Court

Charles acted for the successful appellants in this landmark decision which overturned the lower courts and 45 years of awards of so-called *Wrotham Park* damages. Lord Reed's judgment singled out the "*strongly argued submissions*".

## Expertise

### Administrative & Public Law

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#### Reported Administrative & Public Law cases

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#### Jet2 v Civil Aviation Authority (Court of Appeal [2020] 4 All ER 374)

Acting for Jet2 judicially reviewing the CAA for alleged misuse of powers in a media campaign. This case successfully established a major point of principle in the law of privilege (dominant purpose and legal advice).

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#### R (Bluefin) v Financial Ombudsman Service [2015] Bus LR 656

Acting in the first successful judicial review of a decision made by the Financial Ombudsman Service.

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### JSC BTA Bank v Ablyazov [2013] 1 WLR 1845, CA

Acting in a case regarding judicial bias.

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### Chilab v King's College London [2013] ELR 339, CA

Acting in a dispute over whether a degree mark could be set aside.

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### R (Bristol Myers Squibb) v NICE [2010] 1 CMLR 31

Acting for the defendant in connection with a challenge of its decision to refuse to recommend the use of a new drug in the UK NHS.

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### R (A) v Croydon LBC [2009] 1 WLR 2557, SC

Acting in a matter relating to the determination of the age of unaccompanied asylum-seeking children.

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### Cooper v Attorney General [2008] 3 CMLR 45

Acting in a case regarding whether errors relating to EU law made by earlier courts gave rise to a liability for damages.

## Aviation & Travel

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### Reported Aviation & Travel cases

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### International AirFinance Corporation v Saudi Arabian Airlines Corporation [2020] EWHC 3787 (Comm)

Acted for the Saudi national carrier in a major dispute over the terms of 50 Airbus leases. Charles obtained an interim injunction to protect the airline's confidentiality. The claim was settled shortly before trial in March 2022.

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Acting for Jet2 judicially reviewing the CAA for alleged misuse of powers in a media campaign. This case successfully established a major point of principle in the law of privilege (dominant purpose and legal advice).

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### Alpstream v PK AirFinance [2014] 1 All ER (Comm) 441, [2016] 1 CLC 135, CA

Acting in a dispute concerning the duties of mortgagees in the context of the sale of assets.

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## R (EasyJet) v Civil Aviation Authority [2010] ACD 19

Acting in a dispute regarding the legality of airport charges at Gatwick Airport.

## Banking & Finance

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### Reported Banking & Finance cases

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## Victor Pisante and others v (1) Logothetis (2) Libra Holdings (3) Lomar Shipping [2022] EWHC 161 (Comm), Commercial Court

Charles represented the successful claimant in the trial of its claim for fraudulent misrepresentation over a complex shipping transaction in which the defendants refinanced shipping interests with the private equity house KKR. Mr Justice Andrew Baker held that cross-examination had established that the first defendant had been guilty of deception when he persuaded the claimant to invest in the deal.

## Taberna Europe CDO II v Selskabet [2017] QB 633, CA

Acting in a case regarding the liability of a bond issuer on secondary market.

## JSC BTA Bank v Ablyazov [2013] 1 WLR 1845, CA

Acting in a case regarding judicial bias.

### Notable Banking & Finance cases

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## Federal Deposit Insurance Corporation v Barclays Bank and others, Financial List

Charles leads the team for the British Bankers Association who are being sued together with six banks on behalf of 20 US banks in respect of losses allegedly arising from a conspiracy to manipulate LIBOR rates during the financial crisis.

## O1 Group / Otkritie Bank dispute

Acted for subsidiaries of the O1 Group and for the Mints Family in a \$600 million refinancing dispute against the state-owned Bank Otkritie. He led in a five-week LCIA arbitration conducted entirely remotely and involving cross-examination of a dozen witnesses by Zoom.

## Civil Fraud

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## Reported Civil Fraud cases

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### **Victor Pisante and others v (1) Logothetis (2) Libra Holdings (3) Lomar Shipping [2022] EWHC 161 (Comm), Commercial Court**

Charles represented the successful claimant in the trial of its claim for fraudulent misrepresentation over a complex shipping transaction in which the defendants refinanced shipping interests with the private equity house KKR. Mr Justice Andrew Baker held that cross-examination had established that the first defendant had been guilty of deception when he persuaded the claimant to invest in the deal.

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### **Chen-Mei Huan v Victory Success Holdings, 22 September 2021, Eastern Caribbean Court of Appeal**

In the latest episode of a long-running BVI dispute over the New Beijing Hotel and casino in Macau, Charles acted for the successful defendants who were alleged to have obtained title to the hotel by extortion and kidnapping. The Court of Appeal set aside the interim injunction for non-disclosure, lack of *locus standi* and on the balance of convenience, and granted a stay of the underlying claim on *forum non conveniens* grounds.

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### **JSC BTA Bank v Ablyazov (No. 8) [2013] 1 WLR 1331 and JSC BTA Bank v Ablyazov (No. 9) [2013] 1 WLR 1945**

Acted for the defendant in this lengthy fraud saga involving decisions on when a party could be debarred for non-compliance and on judicial bias.

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## Commercial Disputes

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### Reported Commercial Disputes cases

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#### **Palmali Shipping SA v Litasco SA [2020] EWHC 2581 (Comm)**

Acting for defendant oil shipper. Successfully struck out approximately \$1 billion of damages claimed under a contract of affreightment.

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#### **Jet2 v Civil Aviation Authority (Court of Appeal [2020] 4 All ER 374)**

Acting for Jet2 judicially reviewing the CAA for alleged misuse of powers in a media campaign. This case successfully established a major point of principle in the law of privilege (dominant purpose and legal advice).

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#### **One Step v Morris-Garner (Supreme Court, [2018] UKSC 20)**

Acting for the successful appellants overturning 40 years of case law on so-called “Wrotham Park” (negotiating) damages for breach of contract.

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## Notable Commercial Disputes cases

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### London Capital & Finance Plc v Thomson & Others [2020] EWHC 2490 (Ch)

Acting in a case regarding the impact of a criminal restraint order on a worldwide freezing order and whether the respondent to a freezing order can challenge it after taking limited objections at the return date.

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### Astex Therapeutics v AstraZeneca [2016] EWHC 2759 (Ch)

Acting in a dispute which considered whether privilege could be claimed for interview notes.

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### Dar Al Arkan v Al Refai [2014] EWHC 1055 (Comm)

Acting in a matter regarding the recusal of a judge on committal after determining an earlier application.

## Company, Restructuring & Insolvency

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### Reported Company, Restructuring & Insolvency cases

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### Dar Al Arkan v Al Refai [2015] 1 WLR 135, CA

Acting in a claim regarding civil contempt proceedings against the director of a foreign company which has instituted.

### Notable Company, Restructuring & Insolvency cases

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### Team Y&R Holdings Hong Kong Ltd v Ghossoub [2017] EWHC 2401 (Comm)

Acting in relation to an antisuit injunction regarding the sale of a business and an unfair prejudice petition.

## Competition

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### Notable Competition cases

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### Federal Deposit Insurance Corporation v Barclays Bank and others, Financial List

Charles leads the team for the British Bankers Association who are being sued together with six banks on behalf of 20 US banks in respect of losses allegedly arising from a conspiracy and cartel to manipulate LIBOR rates during the financial crisis.

## Financial Services

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### Reported Financial Services cases

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#### R (Bluefin) v Financial Ombudsman Service [2015] Bus LR 656

Acting in the first successful judicial review of a decision made by the Financial Ombudsman Service.

### Notable Financial Services cases

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#### Federal Deposit Insurance Corporation v Barclays Bank and others, Financial List

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#### Taveta v Financial Reporting Council [2018] EWHC 1662 (Admin)

Acting in a matter relating to whether the Financial Reporting Council could be restrained from publishing a decision.

## International Arbitration

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### Notable International Arbitration cases

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#### O1 Group / Otkritie Bank dispute

Acting for subsidiaries of the O1 Group and for the Mints Family in a \$600 million refinancing dispute against the state-owned Bank Otkritie. He led in a five-week LCIA arbitration conducted entirely remotely and involving cross-examination of a dozen witnesses by Zoom.

## Offshore

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### Reported Offshore cases

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## Privilege, Confidentiality & Conflicts of Interest

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Reported Privilege, Confidentiality & Conflicts of Interest cases

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### Motorola Solutions v Hytera Communications Corp [2021] QB 744, Court of Appeal

Charles successfully appealed the Commercial Court's grant of a US\$350 million post-judgment freezing order. The decision is a leading authority on without prejudice communications and establishes the evidential test for the exceptional cases when they can be admitted.

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## Product Liability

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Notable Product Liability cases

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### Concept 70 v Cape Intermediate Holdings (2018, QBD)

Acting as lead counsel for the claimants in seeking contribution from an asbestos manufacturer for damages relating to mesothelioma. The case settled after a six-week trial and before judgment.

## Directory Quotes

*"He has a very imaginative and forceful intellect, and is a good tactician. Skilful at constructing arguments in a form that will be attractive to commercial judges."*

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The Legal 500

*"He is probably the most outstanding trial and appellate advocate of his generation - he has a brilliant mind and a formidable grasp of English law across a range of legal disciplines which enables him to develop new and persuasive arguments that less-sophisticated Counsel overlook."*

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The Legal 500

*"A fantastic advocate... really came into his own when he was on his feet, handling the various parties and judge and*



*taking everyone through it. He had a gentle but powerful style."*

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Chambers & Partners

*"His intelligence and mental agility are evident at trial, and he's particularly impressive in cross-examination."  
"Charles is reassuring and confident, and he has an excellent manner with clients."*

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Chambers & Partners

*"He is an impressive and forceful advocate, and a formidable opponent."*

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The Legal 500

*"First choice for any complex trial or appeal, and one of only a very small number of truly outstanding advocates in London."*

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The Legal 500

*"Pretty much an unstoppable force."*

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Chambers & Partners

*"A brilliant and charismatic silk who immediately cuts right to the heart of any issue."*

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Chambers & Partners

*"He was on the other side and as soon as he opened his mouth I thought, 'We're going to get creamed!'."*

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Chambers & Partners

## Directory Rankings

## Chambers & Partners – Global

- Dispute Resolution: Commercial – UK (Global Guide)

## Chambers & Partners – UK

- Administrative & Public Law
- Commercial Dispute Resolution

## The Legal 500

- Commercial Litigation

## Education

- First Class Honours in Jurisprudence, Magdalen College, Oxford (1982-1985)

## International Bar / Court Appointments

- Called to the Bar of the British Virgin Islands
- Ad hoc admission to the Cayman Islands Bar
- Ad hoc admission to the Bermuda Bar

## Appointments, Memberships and Prizes

- Former Chairman of COMBAR India Committee

## Languages

- French (fluent)
- Italian (basic)

## Awards

