

CHARLES DOUGHERTY QC

Call 1997

Silk 2013

Get in touch

cdougherty@2tg.co.uk

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*“phenomenal brain
and commercial
sense”*

(Legal 500)

Practice Overview

Charles specialises in commercial law, in particular commercial fraud, professional negligence, private international law and insurance. Prior to joining 2TG, Charles was a management consultant and a law lecturer.

He is recommended in the legal directories for commercial dispute resolution, insurance and reinsurance, commercial fraud, travel, property damage, product liability and professional negligence. He is an assistant editor of *European Civil Practice* (Sweet & Maxwell, 2nd ed). He has also been called to the Bar of the British Virgin Islands and *ad hoc* to the Bar of Nevis. He accepts appointments to sit as an arbitrator.

Charles is a director of the Bar Mutual Indemnity Fund Limited.

Art & Cultural Property

Charles is recognised for his niche art and cultural property practice. He acts for leading artists, collectors, galleries, auction houses and museums in a variety of commercial, ownership, insurance, valuation, authenticity, attribution, cross-border and fraud claims.

Commercial Dispute Resolution

Experience of major contractual disputes, in particular cases involving sale and supply of goods and services, directors' duties, licensing agreements, breach of confidence, breach of fiduciary duty, restrictive covenants, breach of warranty claims, restitution, rectification and misrepresentation. He has particular experience of dealing with Art claims, acting for well-known artists, private collectors, leading museums, galleries and dealers. He is recommended in Chambers UK, Chambers Global and Legal 500 for commercial dispute resolution.

Practice areas

- Art & Cultural Property
- Commercial Dispute Resolution
- Commercial Fraud
- Life and Health Insurance
- Insurance & Reinsurance
- Private International Law
- Product Liability
- Professional Negligence
- Property Damage
- Travel

Memberships

- COMBAR
- PNBA
- British German Jurists Association
- Commercial Fraud Lawyers Association (CFLA)

Qualifications

BA, BCL (OXON)

Education

Magdalen College, Oxford University



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Commercial Fraud

Wide experience of handling complex fraud claims (including claims involving deceit, breach of trust, breach of fiduciary duty, dishonest assistance, knowing receipt, conspiracy and conversion), in particular cross-border tracing and urgent applications to locate and freeze assets and preserve evidence. He also lectures extensively to solicitors on fraud matters, in particular freezing orders, search orders and asset tracing. He is recognised by Chambers UK and Legal 500 as a leading silk in the field.

Life & Health Insurance

Charles has experience of handling complex high value life, permanent health and critical illness cases. He has particular experience of dealing with fraudulent claims. He is recommended in Chambers UK as a leading insurance silk and was shortlisted as Insurance Silk of the Year at the Chambers Bar Awards 2016. He also accepts appointments to sit as an arbitrator.

Insurance & Reinsurance

Wide experience of insurance/reinsurance disputes (including Lloyd's disputes) arising out of a range of different covers, including property, product, aviation, life, fidelity, professional indemnity, jewellers, employer's liability, public liability, personal accident and business interruption. He has also acted in a large number of cases for and against brokers. He has particular experience of dealing with fraudulent claims and claims with a multi-jurisdictional element. He is recommended in Chambers UK as a leading insurance silk.

He was named '**Insurance Junior of the Year**' at the 2012 Chambers Bar Awards.

Charles was shortlisted as **Insurance Silk of the Year** at the Chambers Bar Awards 2016.

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Private International Law

Regularly handles cases involving jurisdiction and choice of law disputes.

Charles has particular experience of the Brussels Regulation, Rome I, the Private (Miscellaneous Provisions) Act 1995, Rome II and of anti-suit injunctions.

He is an assistant editor of *European Civil Practice*, Sweet and Maxwell (2nd Ed.), a major two-volume work on the Brussels Regulation.

He is recognised in the legal directories for his private international law expertise.

Product Liability

Charles has a strong product liability practice, focused in particular on complex cases with an international element. Recent cases have involved prosthetic hip implants, pumps, electrical plugs, breast implants and fridges. He is recommended by Legal 500 and Chambers UK as a leading product liability silk.

Professional Negligence

Considerable experience of claims involving barristers, solicitors and insurance intermediaries. He is an editor of 2TG's professional negligence journal, *On Duty*. He is recognised by both Chambers UK and Legal 500 as a leading professional negligence silk.

Charles is a director of the Bar Mutual Indemnity Fund Limited.

Property Damage

Charles handles complex high value property damage claims. Recent claims have arisen out of fires, explosions, the August 2011 riots and flooding. He has a strong understanding of the difficult technical issues which often arise in such cases. He is recommended as a leading silk in the area by Chambers UK.

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Travel

Charles regularly handles high profile and complex jurisdiction and choice of law disputes in the field of travel.

He has appeared in leading cases on the Judgments Regulation, Rome I, the Private (Miscellaneous Provisions) Act 1995 and Rome II.

He is an assistant editor of *European Civil Practice*, Sweet & Maxwell (2nd Ed.), a major two-volume work on the Brussels Regulation.

He is recommended in Chambers UK and Legal 500 as a leading 'Travel' silk.

Significant cases

Roberts v MoD [2020] QB 310 [Conflict of laws; contribution] (instructed by DACB)

Wilson v Beko [2019] EWHC 3362 (QB) [EU law; product liability] (Instructed by Kennedys)

Schubert Murphy (a firm) v the Law Society of England and Wales [2017] EWCA Civ 1295 [duty of care; proximity; online services]. Instructed by XL Caitlin

PHP Trading v BATC (CA/ Comm Ct) (ongoing) [2017] EWCA Civ 1131 [claim under tobacco distribution agreement; jurisdiction; applicable law; unjust enrichment] (Instructed by Pennington Manches)

Lemos v Lemos (CA/ Comm Ct/ Ch Div) (ongoing) [2017] BPIR 716 [claim against trust assets; freezing order] (Instructed by HFW)

The Corin Metal on Metal Hip Litigation GLO (QBD) (ongoing) [product liability; Consumer Protection Act 1987] (Instructed by RPC)

R+v v Robertson (Com Ct) [2017] 2 All ER 676 [claim relating to loss adjusting services arising from Christchurch earthquake; jurisdiction] (Instructed by Kennedys)

Roberts v SSAFA (QBD) (ongoing) [2017] PNLR 10 [jurisdiction/ applicable law; German law; professional indemnity] (Instructed by DAC Beachcoft)

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Therium v Brooke (Com Ct) (ongoing) [2016] EWHC 2421 (Comm) [freezing order; committal; litigation funding] (Instructed by Marcus Sinclair)

RSA v Mayor's Office for Policing and Crime (Supreme Court/ CA/ Com Ct) [2016] UKSC 18; [2014] EWCA Civ 682; [2014] 1 All ER 422; [2014] Lloyd's Rep IR [August 2011 riots; scope of Riot (Damages) Act 1886] (Instructed by Kennedys)

Federal Republic of Brazil v Durant (Privy Council) [2016] AC 297 [fraud; tracing; corruption in public office; bribes; freezing orders] (Instructed by Gowling WLG)

Marshall v Generali (CA/ QBD) [2017] EWCA Civ 17; [2016] Lloyd's Rep IR 400 [applicable law; Rome II regulation] (Instructed by Trethowans)

Novoship UK v Mikhaylyuk (CA/ Com Ct) (2006- 2016) [2015] EWHC 992; [2014] EWCA Civ 908; [2012] EWHC 3586 (Comm) [US\$ 150m alleged fraud; dishonest assistance; breach of fiduciary duty; bribes; search and freezing orders; multi-jurisdictional relief] (Instructed by Ince & Co)

Allen v De Puy International Limited (2013-2017) (QBD) [2015] 2 WLR 442; [2015] EWHC 926 (QB); [2014] EWHC 753 (QB) [Product liability; applicable law; territorial scope of the Consumer Protection Act 1987] (Instructed by Kennedys)

Wellesley Partners LLP v Withers (2012-2015) (Ch Div) [2014] EWHC 556 (Ch) [Solicitors' negligence; loss of a chance; remoteness] (instructed by RPC)

Intrigue Shipping v Niktin (CA) (2012-2013) [2013] EWCA Civ 749 [shipping fraud; costs] (Instructed by Ince & Co)

Standard Bank v Via Mat (CA/Com Ct) (2011-ongoing) [2013] EWCA Civ 490; [2012] EWHC 573 (Comm) [transport of silver; bailment; jurisdiction] (Instructed by Clyde & Co)

Ace European Ltd v Rolls- Royce (Com Ct) (2009-2012) [2010] EWHC 1869; [2010] Lloyd's Rep IR 637 [insurance; scope of cover; jurisdiction] (Instructed by Herbert Smith/Kennedys)

Munin Navigation v Petrodel Explorer (CA/Com Ct) (2011-2012) [2012] EWCA Civ 136 [Oil exploration; breach of contract] (Instructed by Hill Dickinson)

Re Baillies (CA/ Ch Div) (2011- 2012) [2012] EWHC 285 (ch); [2012]

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BCC 554; [2012] ILPr 29 [Service of insolvency process in France; applicability of Judgments Regulation, Service Regulation and Insolvency Regulation]

Hi-Lite Electrical Ltd v Wolseley UK Ltd (TCC) (2009-2011) [2011] EWHC 2153 (TCC); [2011] BLR 629 [Product liability; applicable law; breach of contract] (Instructed by DWF)

Le Breton v Petrodel Resources Ltd (CA/ QBD) (2010-2011) [2011] EWCA Civ 1605; [2011] EWHC 769 (QB) [Oil trading; breach of contract] (Instructed by Hill Dickinson)

Lockheed Martin Corp v Willis Group Ltd (CA/Com Ct) [2010] EWCA Civ 927; [2010] PNLR 1 [Alleged brokers negligence; wrong party; change of party after expiry of limitation; abuse of process] (Instructed by Ince & Co)

Kolmar Group v Visen Industries (Com Ct) (2009-2011) [2009] EWHC 3765; [2010] ILPr 23 [international sale of goods; jurisdiction; Lugano convention] (Instructed by Clyde & Co)

A v B (LCIA Arbitration) (2008-2011) [shareholders dispute; breach of fiduciary duty; deceit] (Instructed by Dewey & LeBoeuf)

Mopani v Cooper Gay (Com Ct) (2008-9) [Brokers' negligence] (Instructed by Clyde and Co)

X v Y (High Court of BVI) (2008-2009) [Alleged US\$50m fraud; jurisdiction; forum conveniens; receivership orders; worldwide freezing orders] (Instructed by Norton Rose/ Harneys)

Hornsby v James Fisher Rumic (QBD) (2007-2009) [2008] EWHC 1944 (QB) [Private International Law; accident in UAE territorial waters; applicable law of tort; UAE limitation period] (Instructed by Stephenson Harwood)

Gater Assets v Naftogaz (Nos 1, 2 and 3) (CA/ Com Ct) [2008] 1 Lloyd's Rep. 479; [2007] 2 Lloyd's Rep. 588; [2007] 1 Lloyd's Rep 522 [Enforcement of New York Convention arbitration award; freezing order; availability of security for costs against award holder; whether enforcement should be refused on grounds of fraud/ public policy; Judgments Act interest on awards] (Instructed by Clyde & Co)

Raja v Hoogstraten; Tombstone v Healys (CA/ Ch Div) (2006-2008) [2008] EWCA Civ 1444; [2007] EWHC 1743 (Ch) [liability of solicitors for procuring writ of sequestration and/or trespass to third party's property] (Instructed by Kennedys)

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Royal Bank of Scotland plc v Kiely (Com Ct) (2007) [claim under various personal guarantees following collapse of pub property business; allegations of misrepresentation; freezing order] (Instructed by Norton Rose)

ING (UK) Ltd v R+V Versicherung AG (CA/Com Ct) (2004-2007) [2006] EWHC 42 (Comm); [2006] Lloyd's Rep IR 653 [Reinsurance; Quota Share treaty; apparent authority; ratification] (Instructed by LeBoeuf Lamb Greene & MacRae)

Harding v Wealands (HL/ CA/ QBD) (2004-2006) [2006] UKHL 32; [2006] 3 WLR 83 (HL); [2005] 1 WLR 1539 (CA) [Jurisdiction; applicable law; approach to assessment of damages; difference between substance and procedure; ss 11 & 12 of the Private International Law (Miscellaneous Provisions) Act 1995] (Instructed by Kennedys)

R+V Versicherung AG v Risk (CA/ Com Ct) (2003-2007) [2006] Lloyd's Rep IR 253 [Commercial fraud; Reinsurance; freezing order; conspiracy; estoppel; abuse of process; recoverability of management expenses] (Instructed by LeBoeuf Lamb Greene & MacRae)

R+V v Chalhoub (Com Ct) (2005-ongoing) [2005] EWHC 2586 (Comm) [Non party costs; director found to be dishonest at trial; Human Rights Act; CPR 71] (LeBoeuf Lamb Greene & MacRae)

Roiter Zucker (a firm) v Minai (QBD) [2005] EWHC 2676 (QB) [Professional negligence; purchase of £7.2m property; allegation of excess of authority] (Instructed by Kennedys)

BCCI v Saadi (QBD) (2005) [2005] EWHC 2256 (QB) [Fraud; breach of fiduciary duty and trust; misappropriation of monies; compound interest; enforcement against third party] (Instructed by Lawrence Graham)

Shamil Bank of Bahrain v Bexinco (Com Ct) (2005) [Freezing order; jurisdiction; Morabaha financing agreements] (Instructed by Norton Rose)

Cartier v Rached (Com Ct) (2004-5) [Fraud; freezing orders, including against third parties;] (Instructed by Clyde & Co)

Nokia v Interstone Trading Ltd (Com Ct) (2003-2005) [Commercial fraud; conflict of laws; freezing and search orders; conspiracy; contempt proceedings; simultaneous HK proceedings] (Instructed by Clyde & Co)

Lindner Plc v WGS (2003-2004) (TCC) [Barrister's and solicitor's negligence; alleged negligent advice on costs offer in arbitration proceedings] (Instructed by Kennedys)

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Pedley v Avon Insurance (Com Ct) [2002] EWHC 2007 (QB) [Insurance; non-disclosure, breach of warranty] (Instructed by Barlow Lyde & Gilbert)

Firth v Carib Holdings (QBD) [2003] EWHC 2112 (QB) [Jurisdiction; forum non conveniens] (Instructed by Herbert Smith)

Whiteleys Insurance Consultants v AIG (Com Ct) [2003] EWHC 1613 (Comm) [Search order; fraud of broker; apparent authority; construction of agency agreement] (Instructed by Kennedys)

Thistle Hotels Plc v Orb (Ch Div) (2002–2004) [2004] 2 BCLC 174 [breach of warranty; taxation issues; rectification; security for costs] (Instructed by Memery Crystal)

IPC v City of Milan (QBD) (2002) [2002] EWHC 3213 (QB) [Jurisdiction; Brussels Convention; Art 1, 6(1) and 6(2)] (Instructed by Kennedys)

Connollys v Taylor (QBD) (2002) [solicitors negligence; liens over papers] (Instructed by Middleton Potts)

Hulse v Chambers (QBD) [2001] 1 W.L.R. 2386 [Choice of law; Private International Law (Miscellaneous Provisions) Act 1995] (Instructed by Kennedys)

Heil v Rankin (CA) [2001] Q.B. 272 [Principles underlying general damages for pain, suffering and loss of amenity; relevance of Law Commission report; ECHR Art 6 and Art 1 of First Protocol] (Instructed by MIB)

Burns v General Accident (CA) [1999] 2 All ER 27 [Third Party (Rights Against Insurers) Act 1930; disclosure] (Instructed by Beachcroft Wansbroughs)

Recommendations

Recommended in the legal directories for commercial dispute resolution, insurance & reinsurance, commercial fraud, travel, product liability, property damage and professional negligence.

"He's an absolutely brilliant advocate and he's always perfectly prepared. He has excellent communication skills."; "A very well-known top-flight silk, with a broad commercial and insurance-based practice."; "He's a very, very good opponent - he fights his client's corner very hard but will deal with the other side properly." "A very bright and very academic advocate." "He's a very strong negotiator and an outstanding advocate."; "His

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knowledge of the law is exceptional and he can cut through difficult legal problems very quickly." "A thorough and persuasive advocate." "He is very clever and is trusted by judges."; "Has a real ability to express complicated ideas clearly and succinctly, and is someone who has the ear of the court." "He is a really technical lawyer who will find a point that others have overlooked."; "He is calm and considered, and is used to navigating complex overseas law." "Very intelligent. He really gets into the detail of each case to work towards solutions." "He's very hands-on and really takes charge of the case. He's also wonderful on his feet." "He's very fast, astute and commercial." "He is excellent and very impressive..."
Chambers UK Bar 2021

"He is fiercely intelligent and as an opponent, formidable."; "An outstanding barrister who has an unparalleled ability to analyse complex legal points and develop arguments which succeed in court." He combines incisive analysis with a commercial approach. [H]as an intuitive understanding of the law and comes up with arguments that others would miss"; "Absolutely first-rate."; "His written advocacy is brilliant and he can pick the right arguments and deliver them in a compelling and persuasive manner."
Legal 500 2021

"A formidable lawyer."; "Supremely intelligent, he gets to grips with things remarkably quickly and gives very practical advice."; "He runs difficult arguments very effectively, he's persuasive and has a great courtroom style."; "He has a wonderful manner with experts and professional clients."; "He is extremely well prepared, on top of complex and expert issues, and asks very incisive questions."; "He is very intelligent, very happy to roll up his sleeves, quick to get to the heart of the issues and very approachable for a silk."; "He's very good at drilling down into what really matters in a case."; "Has an ability to cut through difficult cases and give practical advice to a standard that is difficult to match. He is also very easy to work with and a brilliant advocate."; "He has a very effective style of advocacy."; "His expertise in conflict of laws and jurisdiction issues is unparalleled."; "He is a natural first choice for any client with international litigation needs wanting a combination of cerebral flexibility and down-to-earth congeniality."; "His attention to detail is terrific."; "Highly intelligent, technically brilliant and very client-friendly. He is able to provide a very clear presentation on the most complex legal questions."
Chambers UK 2020

"Exceptionally bright and friendly."; "Go-to silk for jurisdictional issues."; "An extremely impressive silk, he has a remarkable ability to explain complicated points in a concise and easy to understand manner. '"; "Wonderful leader and a very skilled advocate."; "A much sought-after

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silk whose razor-sharp analysis is extremely popular with clients."; "Very experienced and a brilliant advocate."

Legal 500 2020

"Fantastic strategically and terrific on his feet. He's a super tactician who can focus on the big point and really sort the wheat from the chaff."; "Incredibly intelligent."; "Usually two to three steps ahead of others in analysing a situation."; "Very calm and cool under pressure, he's very good at aligning the client's legal position and their commercial interests."; "Highly intelligent, technically brilliant and client-friendly."; "He has a strong, low-key manner. Very sensible and bright. Clients and solicitors love him."; "Exceptionally bright and easy to work with. He is tactically astute and extremely user-friendly."

Chambers UK 2019

"A barrister with a superb intellect, who has the ability to grasp and analyse issues incredibly quickly"; "An excellent advocate who is fantastic at thinking on his feet"; "A fantastic barrister who engages well with people and is thoughtful and clear"; "go-to specialist" for jurisdictional and conflict of laws issues"; "Highly intelligent, pragmatic and commercial, as well as very user-friendly"; "He is incredibly sharp and clients like him"; "His judgement is extremely sound"; "He is extremely bright [and] approachable"; "He's great on his feet and you want him on your side".

Chambers UK 2018

"He thinks outside the box of points nobody else has."; "His knowledge of the law is second to none."; "Very impressive in his ability to make the complex simple and compelling."; "He has immense legal knowledge, and is also approachable, friendly, hardworking and deeply committed."; "The first port of call for anything jurisdiction related and extremely user friendly."

Legal 500 2017

"An exceptionally intelligent man, who just gets things and runs with them"; "instantly inspires confidence. He is razor sharp in his analysis but down to earth with clients"; "extremely client-friendly, decisive in his views and very measured and sensible in his tactical advice"; "an excellent advocate who is extremely knowledgeable on international jurisdiction and conflicts issues"; "he has such a good brain, he has a really rapid grasp of the issues. His advocacy is great as well, he gets just the right tone"; "extremely bright and very on the ball"; "a hugely effective advocate, who's likeable and knows which points to take and which not to pedal so hard."

Chambers UK 2017

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"His phenomenal brain and commercial sense make him a leading light", "one of the hidden secrets of the Bar; he is astute, bright and has an easy manner with the judges", "Pragmatic, commercial, and very user-friendly."

Legal 500 2016

"He's phenomenally talented but also very approachable, very clear with his advice and technically brilliant"; "well regarded and good on his feet; a persuasive and fluent advocate"; "delightful to work with and very impressive as he's hard-working and has good judgement." "He is bright, approachable and very responsive."; "extremely effective."; "He gives very good advice which cuts through the detail – he is able to distil his advice down in a way that lay people can understand"; "Technically excellent and a pleasure to work with."

Chambers UK 2016

"Elegant and persuasive presentation both orally and in writing."; "technically brilliant."

Legal 500 2015

"Top name", "a joy to work with"; "great advocate"; "very sharp", "personable" and "an excellent team player."

Who's Who Legal 2015

"Extraordinarily impressive and is sensible and incredibly persuasive in court", "polite and charming to be against and an intellectual heavyweight"; "a very well-regarded commercial silk"; "really good on his feet"; "terrific, very reliable, very clever and very focused"; "superb lawyer who is clever, erudite and also incredibly user-friendly. He wears his learning lightly, and you can ask him anything"; "a phenomenal legal brain, who slices up any problem, produces a solution and then argues it to the end of the earth"; "able to respond quickly to every question or query thrown at him"; "clever and precise"; "intelligent, calm and measured"; "attracts consistent praise from market commentators for his intellectual ability and user-friendliness"; "somehow always persuade[s] the judge. He just always nails what the issues are and is very impressive."

Chambers UK 2015

"Extremely bright, unflappable and highly competent."

Legal 500 2014

"Extremely bright and practical"; "very user-friendly"; "praised for his clarity in Court"; "there is nothing he cannot answer"; "brilliant at the paperwork and a real team player"; "on the technical side, I havent come across a brighter barrister"; "gives exceptionally good advice"; "Provides

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rapid turnaround and very pragmatic advice"; "approachable and down to earth"; Solicitors like him as "he will take a pragmatic view on a case and always has a commercial view with the client in mind."

Chambers UK 2014

"Excellent on his feet, and able to organise his thoughts so that the court can follow his argument"; "very intelligent"; "technically excellent"; "very approachable"; and "academic in his thinking, but with a sound, commercial sense."

Legal 500 2013

"Intellectually brilliant," "very disciplined in his advocacy" and someone who exhibits "assurance beyond his years"; wins plaudits from all quarters for his "lateral thinking and impressive performances in court"; market observers were effusive in their praise. "Possesses an unbelievable knowledge of procedure in an astonishing number of different jurisdictions." Rated "a fantastic advocate," he "is logical and persuasive" and presents complex matters to the court in an easy-to-digest way.

Chambers UK 2013

"Extremely keen legal mind"; "commercial in his approach, very friendly and wholly accessible".

Legal 500 2012

"Charming, formidably bright and extremely pragmatic"; "Dispense[s] commercial, practical and user-friendly advice"; "approachable, articulate and clever"; "always knows the answer".

Chambers UK 2012

"Outstanding". "Very bright and a quick thinker".

Legal 500 2011

"Standout junior"; "an exceptionally clever advocate who is excellent on jurisdictional points"; "grasp[s] both the key legal points and the commercial imperative"; "willingness to think creatively in order to keep his clients on the front foot"; "quick-witted, clear and a joy to work with".

Chambers UK 2011

"Incredibly bright, responsive, practical, concise and user friendly".

Legal 500 2010

"Hugely bright junior"; "technically immaculate and calm under fire"; "just so able and impressive"; "knows the law inside out".

Chambers UK 2010

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"Recommended."

Legal 500 2009

"Incredibly switched on"; "really knows his subject".

Chambers UK 2009

"Versatile".

Legal 500 2008

"His drafts are bloody good, and his advice is always accurate" and "he can place his knowledge in a commercial context".

Chambers UK 2008

"Respected".

Legal 500 2007

"Impresses solicitors as exceptionally bright and wonderful to deal with".

Legal 500 2006

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