

Robin Dicker QC

QC 2000, Called to the Bar 1986

+44 (0)20 7696 9900

robindicker@southsquare.com



Robin specialises in commercial, business and financial law, including banking, commercial litigation, company, corporate restructuring and insolvency, financial services and civil fraud.

Robin has appeared in various substantial and high-profile cases at all levels including, in recent years: in the Supreme Court (eg *Lehman Brothers*, *BNY Mellon v Lloyds Bank*, *Nortel*, *Eurosail*, *Rubin v Eurofinance*, *Mills v HSBC*), in the Court of Appeal (eg *Lehman Brothers*, *Graiseley Properties v Barclays*, *Lomas v Firth Rixson*, *Standard Chartered Bank v CPC*, *McKillen v Maybourne Finance*) and at first instance, including a number of major trials.

He is ranked by Chambers & Partners as a leading QC in six areas, including as a Star Individual for Banking & Finance and for Restructuring & Insolvency, and has been described as one of the most outstanding silks in the market. He is ranked by Legal 500 as a leading QC in five areas. Robin won the Legal 500 Bar Award for Insolvency Silk of the Year 2016.

Insolvency and Restructuring

Robin has acted in relation to almost all of the major corporate restructurings or insolvencies including *Lehman Brothers*, *Dubai World*, *Madoff*, *Kaupthing hf*, *Woolworths*, *Northern Rock*, *Bear Stearns*, *Eurotunnel*, *Federal Mogul*, *TXU*, *MyTravel*, *Telewest*, *Marconi*, *BCCI*, *MCC* and *Olympia and York*.

Recent cases include:

- ***Burlington Loan Management Ltd v Lomas*** [2017] EWCA Civ 1462, administration; proof of debt; distributions; statutory interest
- ***Lehman Brothers International (Europe)*** [2017] UKSC 38, insolvency; banking and finance; company law; foreign currency transactions
- ***Re Global Garden Products Italy SpA*** [2016] EWHC 1884, schemes of arrangement; jurisdiction clauses.
- ***Re Nortel and Re Lehman Brothers International Europe; Bloom v The Pensions Regulator*** [2013] UKSC 52 (SC), pensions; financial support directions; administration expenses; provable claims
- ***BNY Corporate Trustee Services v Eurosail-UK*** [2013] UKSC 28 (SC), banking and finance; corporate insolvency; securitisations; meaning of balance sheet insolvency
- ***Kemsley v Barclays Bank*** [2013] EWHC 1274 (Ch), conflicts of law; anti-suit injunctions; bankruptcy; centre of main interests; foreign proceedings
- ***Rubin v Eurofinance*** [2012] UKSC 46 (SC), conflicts of law; cross-border insolvency; enforcement; foreign judgments; recognition
- ***Mills v HSBC*** [2011] UKSC 48 (SC), insolvency; banking and finance; corporate bonds; set-off; rule against double-proof; retainer

- **Larsen v Navios International** [2011] EWHC 878 (Ch), cross-border insolvency; foreign proceedings; Cross-Border Insolvency Regulations; set-off
 - **Re Kaupthing Singer & Friedlander** [2010] EWCA Civ 518 (CA), administration; set-off
 - **Picard (The Foreign Representative of Bernard L Madoff Investment Securities) v FIM Advisers** [2010] EWHC 1299 (Ch), cross-border insolvency; private examinations
-

Banking and Finance

Recent cases include:

- **Golden Belt 1 Sukuk Co v BNP Paribas** [2017] EWHC 3182, Bankers' duties; Islamic finance; duty of care; Measure of damages.
 - **Re Lehman Brothers International (Europe)** [2016] EWHC 2417, derivative contracts; Master Agreements; interpretation; default rate; assignment
 - **BNY Mellon v LBG Capital No 1** [2016] UKSC 27, convertible securities; redemption; interpretation
 - **Deutsche Trustees Co Ltd v Cheyne Capital Management** [2016] EWCA Civ 743, securitisation; credit ratings; contract interpretation
 - **Re Lehman Brothers International (Europe) Antony Lomas v JFB Firth Rixson** [2012] EWCA Civ 419, derivatives; Master Agreements; interpretation; anti-deprivation principle
 - **McKillen v Maybourne Finance** [2012] EWCA Civ 864, banking and finance; interpretation; novation
 - **Assenagon Asset Management v Irish Bank Resolution Corp** [2012] EWHC (Ch) 2090, corporate bonds; resolutions; ultra vires; abuse of power; exit consents
 - **Henderson PFI Secondary Fund II v Henderson PFI Secondary Fund** [2012] EWHC 3259 (Comm), banking and finance; investment funds; limited partnerships; general manager; powers of investment; derivative claims
 - **Lehman Brothers Commodity Services v Credit Agricole** [2011] EWHC 1390 (Comm), derivatives; Master Agreements; letters of credit; set-off
 - **Cattles v Welcome Financial Service** [2010] EWCA Civ 599, banking and finance; corporate bonds; guarantees; interpretation
 - **Re Kaupthing Singer & Friedlander; Brazzill v Willoughby** [2010] EWCA Civ 561, banking and finance; financial regulation; trust accounts; subrogation
 - **The Office of Fair Trading v Abbey National** [2009] UKSC 6, banking and finance; consumer law; un-authorised overdraft charges
-

Commercial Litigation and Arbitration

Recent cases include:

- **Blueco Ltd v BWAT Retail Nominee (1) Ltd** [2014] EWCA Civ 154 (CA), leases, pre-emption rights, construction, rectification.
- **Graiseley Properties v Barclays** [2013] EWCA Civ 1372 (CA), banking & finance; derivatives; LIBOR; misrepresentation; misselling
- **Standard Chartered Bank v Ceylon Petroleum** [2012] EWCA Civ 1049 (CA), banking and

finance; oil derivatives; ultra vires; authority; misselling; misrepresentation

- **Re Coroin; McKillen v Sir Frederick Barclay** [2012] EWHC 2343 (Ch), banking and finance; interpretation; transfer and novation; unfair prejudice; conspiracy
- **Re Lehman Brothers International (Europe); Stephen Pearson v Lehman Brothers Finance** [2010] EWHC 2914 (Ch), (RASCALS), banking and finance; securities; repurchase agreements; stock lending; settlement; agency; beneficial ownership

Robin is also instructed in various private arbitrations as an advocate or member of the tribunal, both in London and abroad.

Offshore

Robin is admitted to the bars of Bermuda, British Virgin Islands, the Cayman Islands and Hong Kong for specific cases.

Recent cases include:

- **Stevanovich v Wide** [2018] (BVI), applications to reverse a decision of a liquidator, recognition and enforcement of foreign judgments
- **Moulin v Lee** [2104] HKCFA 63 (Hong Kong, Court of Final Appeal), limitation; directors' duties; remedies
- **Moulin v Commissioner of Inland Revenue** [2014] 3 HKC 323 (Hong Kong, Court of Final Appeal), attribution of director's knowledge to company; tax
- **Picard (as trustee for the liquidation of the business of Bernard L Madoff Investment Securities LLC) v Primeo Fund** (2103) (Cayman Islands, Grand Court), cross-border insolvency; recognition and enforcement
- **Carlyle Capital Corporation v William Conway** (2102) (Guernsey; Court of Appeal), insolvency; wrongful trading; directors' duties
- **Kennedy v Cheng** [2009] HKCU 1572 (Hong Kong, Court of Final Appeal), insolvency; private-examinations; duty of liquidators

Other notable cases include:

- **Re Golden Key** [2009] EWCA Civ 636
- **Re Whistlejacket Capital** [2008] 2 BCLC 683 (CA)
- **Research in Motion v Visto** [2008] FSR 20 (CA)
- **AWB Geneva v North America Steamship** [2007] 2 Lloyd's Rep 315 (CA)
- **Al-Sabah v Grupo Torras** [2005] 2 AC 333 (PC)
- **Fidelity Investments v MyTravel** [2005] 2 BCLC 123 (CA)
- **Re Telewest Communications** [2005] BCLC 752 and 772
- **Three Rivers District Council v Bank of England (No 2) and (No 3)** [2003] 2 AC 1 (HL)

- ***Morris v Bank of America*** [2002] All ER (D) 435 and [2000] 1 All ER 954 (CA)
- ***National Westminster Bank v Utrecht-America*** [2001] 3 All ER 733 (CA)
- ***Stoczni Gdanska v Latreefers (No 2)*** [2001] 2 BCLC 116
- ***BCCI (Overseas) v Habib Bank*** [1999] 1 WLR 42
- ***Re J N Taylor Finance Pty*** [1999] 2 BCLC 256
- ***British & Commonwealth Holdings v Barclays de Zoete Wedd*** [1999] 1 BCLC 74
- ***Re BCCI (No 8) Morris v Agrichemicals*** [1998] AC 214 (HL)
- ***Re Oasis Merchandising Services*** [1998] Ch 170 (CA)
- ***Re Mid-East Trading*** [1998] 1 All ER 557 (CA)
- ***Re BCCI (No 10)*** [1997] Ch 213
- ***BCCI v Al-Saud*** [1996] 1 BCLC 457 (CA)
- ***Soden v British & Commonwealth Holdings*** [1995] 1 BCLC 686
- ***Re Olympia & York Canary Wharf (No 3)*** [1994] 1 BCLC 702
- ***Re Heron International NV*** [1994] 1 BCLC 667
- ***MS Fashions v BCCI*** [1993] Ch 425 (CA)
- ***Barclays Bank v Homan*** [1993] BCLC 680 (CA)

Awards and Recommendations

Chambers & Partners

Leading QC in: Banking & Finance (Star Individual), Chancery, Commercial Dispute Resolution, Company, Offshore, Insolvency & Corporate Recovery (Star Individual) (2018 - 2019)

- “Outstanding advocate”.
- “Fantastically able, extraordinarily bright, very careful and deeply thoughtful. Robin is a go-to silk, who gives clear, concise advice on contractual interpretation issues involving complex structured products. He is a heavy hitter in all types of structured finance disputes and litigation.”
- “Widely regarded as one of the leading silks in company law.” “He’s creative, highly intelligent, very precise and service focussed”. “One of the most talented barristers in the company commercial field”.
- “A ‘standout’ insolvency silk with a stellar reputation, who has a broader commercial chancery practice to boot”. “He is clear-thinking and very approachable. You know that you are giving a case the best possible chance if you instruct him”.
- “His exceptional technical ability and clear, precise advocacy are lauded by commentators”.

Chambers & Partners, (Global)

Leading QC in: Dispute Resolution - Commercial; Dispute Resolution - Chancery, Offshore, Restructuring & Insolvency (Star Individual) (2018-19)

- “As a pure technical lawyer, he is utterly brilliant”.
- “He is a very careful, meticulous advocate who has enormous brainpower and is a pleasure to deal with”.
- “He commands the utmost respect from judges and doesn’t take any bad points”.
- “If you have a legal problem or a set of documents you’re struggling to find your way through

and you want the right answer, Robin is your first choice”.

Legal 500

Leading QC in: Banking & Finance (Tier 1), Commercial litigation, Company & Partnership, Fraud-civil, Insolvency (Tier 1) (2018-2019)

- “The set’s star silk”.
- “The insolvency silk”.
- “One of the guy’s we have on speed dial”.

Legal 500 Bar Award 2016 Insolvency Silk of the Year

Chambers UK Bar Awards 2012-2013 Insolvency & Restructuring Silk of the Year

Included in the Chambers & Partners UK Bar Top 100

Career

2016 Appointed Deputy High Court Judge

2016 Elected Bencher of the Honourable Society of the Middle Temple

2000 Appointed Queen’s Counsel

1986 Called to the Bar of England and Wales

Appointments

PRIME Finance Foundation (Finance Expert)

Advisory Board, Masters in Law & Finance, Oxford University

Education and Qualifications

Brasenose College, Oxford, BCL

Brasenose College, Oxford, BA jurisprudence