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## Robert Harris

Barrister

Call 2020



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## Scope of Practice

• Agency • Arbitration • Banking and Financial Services • Civil Fraud and Economic Torts • Commercial Litigation • Company and Insolvency • Costs • Energy and Natural Resources • Frustration and Force Majeure • Group Actions • Injunctions and Interim Applications • Jurisdiction and Conflict of Laws • Legal Professional Privilege • Limitation • Restitution • Sale of Goods and Supply of Goods and Services

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## Overview

Rob has a broad commercial practice across Chambers' profile, with a particular focus on banking and finance, civil fraud, energy and natural resources, and general commercial disputes. He has extensive experience of both litigation and arbitration, with most of his work involving international elements. He works in counsel teams of various sizes (including frequently being led out of Chambers), and has appeared as sole counsel in the High Court and County Court.

Rob's practice so far has been dominated by large 'groups' of cases, instructed across multiple sets of overlapping proceedings (both litigation and arbitration) for the same client, underpinned by complex commercial considerations. His current and recent instructions include:

- **RAKIA v Azima:** acting for Dechert LLP (led by Tom Adam KC and Craig Morrison KC) in a 10-week trial, defending allegations of computer hacking and the procurement of a Court judgment by fraud in proceedings brought by a US-Iranian businessman against the Ras Al Khaimah Investment Authority and others.
  - **Al Sadeq v Dechert; Quzmar v Dechert; Stokoe Partnership Solicitors v Dechert:** acting for Dechert LLP (led by Philip Edey KC, Phillippa Kaufmann KC, Luke Pearce KC, and Craig Morrison KC) in consolidated proceedings involving allegations of wrongdoing by solicitors in connection with a civil fraud investigation in the Middle East.
  - **Gerrard v ENRC & Diligence:** acted for Neil Gerrard (a former partner at Dechert LLP) (led by Adam
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Wolanski KC) in proceedings about covert surveillance.

- **AMMENA v AML**: acting for Aston Martin Lagonda (led by Iain Quirk KC and Sophie Weber) in Commercial Court proceedings against its Middle Eastern distributor, involving debt claims by both sides and allegations of bad faith.
- **AML v PIMG**: acting for Aston Martin Lagonda (led by Iain Quirk KC) in proceedings against its retail dealer in Kuwait about the restoration and sale of 33 'classic' Aston Martin cars.
- **Confidential Arbitration**: acting for a FTSE 250 company in LCIA-administered arbitration proceedings under the UNCITRAL Rules.
- **TRW v Kemet**: acted for one of the world's largest manufacturers of car parts (led by Paul Downes KC and David Caplan) against a supplier of defective capacitors which had caused a global recall of airbag control units.

In addition to working as part of a counsel team, Rob has also appeared unled in the High Court and County Court, for both interlocutory matters and small trials.

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## Examples of Recent Cases

### Agency

- **RAKIA v Azima**  
Acting for Dechert LLP (led by Tom Adam KC and Craig Morrison KC) in a 10-week trial, defending allegations of computer hacking and the procurement of a Court judgment by fraud in proceedings brought by a US-Iranian businessman against the Ras Al Khaimah Investment Authority and others. The Defendants are alleged to have been the agents of RAKIA, acting on the instructions of RAK's Ruler.
- **AMMENA v AML**  
Acting for Aston Martin Lagonda (led by Iain Quirk KC Sophie Weber) in Commercial Court proceedings against its Middle Eastern distributor. The parties' relationship was governed by a Distribution Agreement and an Agency Agreement, and the case raises many questions about agency.
- **Volkswagen Emissions Litigation**  
Assisted Nick Sloboda and Emma Jones (during pupillage) in advising the Volkswagen Group on various questions about agency and attribution of knowledge.

### Arbitration

- **Confidential Arbitration**  
Acting for a FTSE 250 company in LCIA-administered arbitration proceedings under the UNCITRAL Rules.
- **Confidential Arbitration**  
Acted as an expert witness on English contract law in arbitration proceedings in Cyprus.
- **Confidential Matter**  
Advised on the procedure and prospects of success of an application for a stay pursuant to Section 9 of the

Arbitration Act 1996.

- **ICC Arbitration**

Assisted Alex Gunning KC, Sebastian Isaac KC, and others (during pupillage) acting for a Dutch infrastructure investment company in a US\$2.5 billion dispute with its joint venture partner in relation to the building of a grain terminal in Russia. Rob worked in particular on allegations of conspiracy, and the possibility of frustration and *force majeure*.

- **LCIA Arbitration**

Assisted Daniel Toledano KC and Emma Jones (during pupillage) in a contractual dispute about a commodity company's rights in relation to an LNG regasification terminal in Pakistan.

- **General Dynamics UK v The State of Libya**

Assisted Daniel Toledano KC and James Ruddell (during pupillage) in an appeal to the Supreme Court about the enforceability of an arbitration award against the State of Libya: [2021] UKSC 22.

## Banking & Finance

- **AJB v Citibank**

Acted as sole counsel for Citibank in settling a Defence responding to allegations of breach of contract.

- **Khalid v Binance**

Acted as sole counsel for Binance in proceedings about losses alleged to have been suffered as a result of margin calls on cryptocurrency loans.

- **HMRC v Domino's Pizza**

Acted as sole counsel for Domino's Pizza in proceedings about Domino's tax liabilities in respect of a senior management incentivisation scheme.

- **Kwok v UBS AG**

Assisted Sa'ad Hossain KC, Sebastian Isaac KC, and Matthew Hoyle (during pupillage) in resisting the Defendant bank's challenge to the jurisdiction of the English courts to hear claims relating to allegations of negligence and misrepresentation, arising out of the exercise by the bank of its security rights following a margin call.

- **Rasmala Trade Finance Fund v Trafigura**

Assisted Daniel Toledano KC and Emma Jones (during pupillage) defending a commodity company against allegations that it was unjustly enriched and knowingly received payments from a trade finance fund which had been procured by a third party's fraudulent scheme.

- **Crane Bank v DFCU Bank**

Assisted Conall Patton KC and Emma Jones (during pupillage) acting for an affiliate of Rabobank in relation to a claim that a Ugandan bank was the victim of an unlawful means conspiracy to misappropriate its assets.

- **European Real Estate Debt Fund (Cayman) v Treon**

Assisted Saul Lemer (during pupillage) in defending a deceit claim in relation to the purchase of loan notes allegedly procured by fraudulent misrepresentations.

## Civil Fraud and Economic Torts

- **RAKIA v Azima**



Acting for Dechert LLP (led by Tom Adam KC and Craig Morrison KC) in a 10-week trial, defending allegations of computer hacking and the procurement of a Court judgment by fraud in proceedings brought by a US-Iranian businessman against the Ras Al Khaimah Investment Authority and others.

- **Al Sadeq v Dechert; Quzmar v Dechert; Stokoe Partnership Solicitors v Dechert**

Acting for Dechert LLP (led by Philip Edey KC, Phillippa Kaufmann KC, Luke Pearce KC, and Craig Morrison KC) in consolidated proceedings involving allegations of wrongdoing by solicitors in connection with a civil fraud investigation in the Middle East.

- **Gerrard v ENRC & Diligence**

Acted for Neil Gerrard (a former partner at Dechert LLP) (led by Adam Wolanski KC) in proceedings about covert surveillance.

- **AMMENA v AML**

Acting for Aston Martin Lagonda (led by Iain Quirk KC and Sophie Weber) in Commercial Court proceedings against its Middle Eastern distributor, involving debt claims by both sides and allegations of bad faith. The Court's judgment considered novel arguments about the scope of good faith duties, and the extent to which they require a party to consider the other's interests: [2023] EWHC 3285 (Comm).

- **Ford v Holland**

Acted as sole counsel in the trial of a civil fraud claim about conversion of second-hand vehicles.

- **HMRC v General Electric**

Assisted Laurence Rabinowitz KC, Nick Sloboda, and others (during pupillage) in a dispute about the rescission of a settlement agreement for alleged fraudulent misrepresentation. The Court of Appeal considered whether the six-year limitation period for claims founded on the tort of deceit applies by analogy to a claim for equitable rescission: [2021] EWCA Civ. 534.

- **Confidential Matter**

Assisted Lord Wolfson KC and Nick Sloboda (during pupillage) in relation to a dispute between wealthy individuals about the ownership of offshore assets, involving claims in unlawful means conspiracy, procuring breach of contract, dishonest assistance, knowing receipt, and unjust enrichment.

- **ICC Arbitration**

Assisted Alex Gunning KC, Sebastian Isaac KC, and others (during pupillage) acting for a Dutch infrastructure investment company in a US\$2.5 billion dispute with its joint venture partner in relation to the building of a grain terminal in Russia. Rob worked in particular on allegations of conspiracy, and the possibility of frustration and *force majeure*.

- **Tugushev v Orlov**

Assisted Daniel Toledano KC, Emma Jones, and Joshua Crow (during pupillage) in relation to a dispute between wealthy businessmen about the ownership of an international fishing business.

- **Rasmala Trade Finance Fund v Trafigura**

Assisted Daniel Toledano KC and Emma Jones (during pupillage) defending a commodity company against allegations that it was unjustly enriched and knowingly received payments from a trade finance fund which had been procured by a third party's fraudulent scheme.

- **European Real Estate Debt Fund (Cayman) v Treon~**

Assisted Saul Lemer (during pupillage) in defending a deceit claim in relation to the purchase of loan notes allegedly procured by fraudulent misrepresentations.

## Commercial Litigation

- **RAKIA v Azima**

Acting for Dechert LLP (led by Tom Adam KC and Craig Morrison KC) in a 10-week trial, defending allegations of computer hacking and the procurement of a Court judgment by fraud in proceedings brought by a US-Iranian businessman against the Ras Al Khaimah Investment Authority and others.

- **Al Sadeq v Dechert; Quzmar v Dechert; Stokoe Partnership Solicitors v Dechert**

Acting for Dechert LLP (led by Philip Edey KC, Phillippa Kaufmann KC, Luke Pearce KC, and Craig Morrison KC) in consolidated proceedings involving allegations of wrongdoing by solicitors in connection with a civil fraud investigation in the Middle East.

- **AMMENA v AML**

Acting for Aston Martin Lagonda (led by Iain Quirk KC and Sophie Weber) in Commercial Court proceedings against its Middle Eastern distributor, involving debt claims by both sides and allegations of bad faith. The Court's judgment considered novel arguments about the scope of good faith duties, and the extent to which they require a party to consider the other's interests: [2023] EWHC 3285 (Comm).

- **AML v PIMG**

Acting for Aston Martin Lagonda (led by Iain Quirk KC) in proceedings against its retail dealer in Kuwait about the restoration and sale of 33 'classic' Aston Martin cars.

- **Confidential Arbitration**

Acting for a FTSE 250 company in LCIA-administered arbitration proceedings under the UNCITRAL Rules.

- **TRW v Kemet**

Acted for one of the world's largest manufacturers of car parts (led by Paul Downes KC and David Caplan) against a supplier of defective capacitors which had caused a global recall of airbag control units.

- **Volkswagen Emissions Litigation**

Assisted Charles Gibson KC, Prashant Popat KC, Nick Sloboda, Emma Jones, and others (during pupillage) acting for the Volkswagen Group in the 'diesel-gate' emissions claim, brought under the largest ever Group Litigation Order (around 100,000 Claimants).

- **Município de Mariana v BHP Group (Fundão Dam Litigation)**

Assisted Daniel Toledano KC, Nick Sloboda, and others (during pupillage) acting for BHP in a US\$7 billion claim by over 200,000 individual Brazilian Claimants in respect of the collapse of the Fundão Dam in Brazil.

- **HMRC v General Electric**

Assisted Laurence Rabinowitz KC, Nick Sloboda, and others (during pupillage) in a dispute about the rescission of a settlement agreement for alleged fraudulent misrepresentation. The Court of Appeal considered whether the six-year limitation period for claims founded on the tort of deceit applies by analogy to a claim for equitable rescission: [2021] EWCA Civ. 534.

- **Virgin Enterprises v Brightline Holdings**

Assisted Daniel Toledano KC and Nick Sloboda (during pupillage) with settling Particulars of Claim in relation to the value of the Virgin brand and the wrongful termination of a trade mark licence agreement.

- **Kwok v UBS AG**

Assisted Sa'ad Hossain KC, Sebastian Isaac KC, and Matthew Hoyle (during pupillage) in resisting the Defendant bank's challenge to the jurisdiction of the English courts to hear claims relating to allegations of

negligence and misrepresentation, arising out of the exercise by the bank of its security rights following a margin call.

- **Carphone Warehouse v Telefónica UK**

Assisted Anna Boase KC and Emma Jones (during pupillage) acting for a well-known telecommunications company in a contractual dispute concerning the availability of special offer tariffs and the provision of customer data.

- **Last Mile Gas v E.ON Energy Solutions**

Assisted Emma Jones (during pupillage) in a dispute concerning the liability of a registered user to pay meter removal charges under the Independent Gas Transporters' Uniform Network Code.

- **Tugushev v Orlov**

Assisted Daniel Toledano KC, Emma Jones, and Joshua Crow (during pupillage) in relation to a dispute between wealthy businessmen about the ownership of an international fishing business.

- **Rasmala Trade Finance Fund v Trafigura**

Assisted Daniel Toledano KC and Emma Jones (during pupillage) defending a commodity company against allegations that it was unjustly enriched and knowingly received payments from a trade finance fund which had been procured by a third party's fraudulent scheme.

- **Crane Bank v DFCU Bank**

Assisted Conall Patton KC and Emma Jones (during pupillage) acting for an affiliate of Rabobank in relation to a claim that a Ugandan bank was the victim of an unlawful means conspiracy to misappropriate its assets.

## Company and Insolvency

- **RAKIA v Azima**

Advised on the application of the rule against recovery of reflective loss.

- **Confidential Matter**

Assisted Lord Grabiner KC (during pupillage) advising in relation to company directors acting for improper purposes.

- **Fonds Rusnano Capital SA v CRGF GP**

Assisted Steven Elliott KC and Eleanor Campbell (during pupillage) in proceedings before the Royal Court of Guernsey to dissolve a limited partnership involving Russian parties.

- **Various**

Acted for various parties (both petitioning creditors and debtor companies) in winding-up petitions in the High Court.

## Costs

- **RAKIA v Azima**

Successfully applied for and obtained security for costs on behalf of Dechert LLP. The Court's judgment considered the principles which apply where there is little or no evidence as to the location, nature, and/or value of the Claimant's assets due to their refusal to disclose such information: [2022] EWHC 1295 (Ch).

- **Município de Mariana v BHP Group (Fundão Dam Litigation)**

Assisted Nick Sloboda (during pupillage) advising BHP on various matters in relation to costs, including the

availability of indemnity costs and the costs liability of third-party litigation funders.

- **Carphone Warehouse v Telefónica UK**

Assisted Emma Jones (during pupillage) advising on the costs consequences of amending a statement of case to delete a defence.

## Energy and Natural Resources

- **Município de Mariana v BHP Group (Fundão Dam Litigation)**

Assisted Daniel Toledano KC, Nick Sloboda, and others (during pupillage) acting for BHP in a US\$7 billion claim by over 200,000 individual Brazilian Claimants in respect of the collapse of the Fundão Dam in Brazil.

- **LCIA Arbitration**

Assisted Daniel Toledano KC and Emma Jones (during pupillage) in a contractual dispute about a commodity company's rights in relation to an LNG regasification terminal in Pakistan.

- **Last Mile Gas v E.ON Energy Solutions**

Assisted Emma Jones (during pupillage) in a dispute concerning the liability of a registered user to pay meter removal charges under the Independent Gas Transporters' Uniform Network Code.

## Frustration and Force Majeure

- **ICC Arbitration**

Assisted Alex Gunning KC, Sebastian Isaac KC, and others (during pupillage) acting for a Dutch infrastructure investment company in a US\$2.5 billion dispute with its joint venture partner in relation to the building of a grain terminal in Russia. Robert worked in particular on allegations of conspiracy, and the possibility of frustration and *force majeure*.

## Group Actions

- **Volkswagen Emissions Litigation**

Assisted Charles Gibson KC, Prashant Popat KC, Nick Sloboda, Emma Jones, and others (during pupillage) acting for the Volkswagen Group in the 'diesel-gate' emissions claim, brought under the largest ever Group Litigation Order (around 100,000 Claimants).

- **Município de Mariana v BHP Group (Fundão Dam Litigation)**

Assisted Daniel Toledano KC, Nick Sloboda, and others (during pupillage) acting for BHP in a US\$7 billion claim by over 200,000 individual Brazilian Claimants in respect of the collapse of the Fundão Dam in Brazil.

## Injunctions and Interim Applications

- **RAKIA v Azima**

Acted in relation to a number of interim applications. Successfully applied for and obtained security for costs on behalf of Dechert LLP ([2022] EWHC 1295 (Ch)), and successfully resisted applications for a split trial and for default judgment in circumstances where the lead Defendant had chosen not to take any further part in the proceedings ([2023] EWHC 2108 (Ch)).

- **Al Sadeq v Dechert; Quzmar v Dechert; Stokoe Partnership Solicitors v Dechert**



Acted in a number of hearings dealing with novel questions about who should review stolen electronic devices for disclosure where multiple parties assert competing interests.

- **AML v PIMG**

Successfully resisted applications for adjournment of the trial and for very late pleading amendments.

- **Khalid v Binance**

Acted as sole counsel for Binance, including in relation to the setting aside of a default judgment, in proceedings about losses alleged to have been suffered as a result of margin calls on cryptocurrency loans.

- **HMRC v Domino's Pizza**

Acted as sole counsel for Domino's Pizza, including in relation to an application by HMRC for relief from sanctions, in proceedings about Domino's tax liabilities in respect of a senior management incentivisation scheme.

- **John Denby v ZF Automotive**

Acted as sole counsel for ZF Automotive in successfully setting aside a default judgment.

- **Ambrosia Quality Food v Agora Greek Bakery**

Acted as sole counsel for the Claimant in successfully obtaining relief from sanctions.

- **Marcham v Shaw and MIL (Pro Bono for CLIPS)**

Assisted Sebastian Isaac KC (during pupillage) in applying for an injunction to prevent the Defendants from unlawfully interfering with the sale of the Claimant's property.

## Jurisdiction and Conflict of Laws

- **RAKIA v Azima**

Acting for Dechert LLP (led by Tom Adam KC and Craig Morrison KC) in a 10-week trial, defending allegations of computer hacking and the procurement of a Court judgment by fraud in proceedings brought by a US-Iranian businessman against the Ras Al Khaimah Investment Authority and others. One of the live issues at trial pertains to whether the applicable law is English law or US / Missouri law.

- **Confidential Matter**

Advised on the procedure and prospects of success of an application for a stay pursuant to Section 9 of the Arbitration Act 1996.

- **Confidential Matter**

Assisted Lord Wolfson KC and Nick Sloboda (during pupillage) advising on the governing law of various contractual-based, wrongdoing-based, and receipt-based claims in a complex, multi-jurisdictional dispute.

- **Kwok v UBS AG**

Assisted Sa'ad Hossein KC, Sebastian Isaac KC, and Matthew Hoyle (during pupillage) in resisting the Defendant bank's challenge to the jurisdiction of the English courts to hear claims relating to allegations of negligence and misrepresentation, arising out of the exercise by the bank of its security rights following a margin call.

- **Crane Bank v DFCU Bank**

Assisted Conall Patton KC and Emma Jones (during pupillage) advising on the potential operation of the 'foreign act of state' doctrine as a jurisdictional defence.

## Legal Professional Privilege

- **RAKIA v Azima**

Acting for Dechert LLP (led by Tom Adam KC and Craig Morrison KC) in a 10-week trial, defending allegations of computer hacking and the procurement of a Court judgment by fraud in proceedings brought by a US-Iranian businessman against the Ras Al Khaimah Investment Authority and others. As the case relates to allegations against a law firm of wrongdoing said to have been perpetrated during the course of a professional engagement, it raises various complex questions of legal professional privilege, including the scope of the “iniquity exception”.

- **Al Sadeq v Dechert; Quzmar v Dechert; Stokoe Partnership Solicitors v Dechert**

Acting for Dechert LLP (led by Philip Edey KC, Phillippa Kaufmann KC, Luke Pearce KC, and Craig Morrison KC) in consolidated proceedings involving allegations of wrongdoing by solicitors in connection with a civil fraud investigation in the Middle East. As the case relates to allegations against a law firm of wrongdoing said to have been perpetrated during the course of a professional engagement, it raises various complex questions of legal professional privilege, including the scope of the “iniquity exception”. The High Court recently considered various such questions in a judgment ([2023] EWHC 795 (KB)) that is now subject to appeal.

## Limitation

- **Volkswagen Emissions Litigation**

Assisted Nick Sloboda and Emma Jones (during pupillage) in advising the Volkswagen Group on various questions about limitation, including the application of Sections 32 and 35 of the Limitation Act 1980, and the start of the limitation period for a claim for breach of an implied term as to satisfactory quality.

- **HMRC v General Electric**

Assisted Laurence Rabinowitz KC, Nick Sloboda, and others (during pupillage) in a dispute about the rescission of a settlement agreement for alleged fraudulent misrepresentation. The Court of Appeal considered whether the six-year limitation period for claims founded on the tort of deceit applies by analogy to a claim for equitable rescission: [2021] EWCA Civ. 534.

## Restitution

- **AMMENA v AML**

Successfully obtained restitution of a sum paid in the mistaken belief that a contract subsisted when in fact it had already been terminated: [2023] EWHC 3285 (Comm).

- **Confidential Matter**

Assisted Lord Wolfson KC and Nick Sloboda (during pupillage) in relation to a dispute between wealthy individuals about the ownership of offshore assets, involving claims in unlawful means conspiracy, procuring breach of contract, dishonest assistance, knowing receipt, and unjust enrichment.

- **Rasmala Trade Finance Fund v Trafigura**

Assisted Daniel Toledano KC and Emma Jones (during pupillage) defending a commodity company against allegations that it was unjustly enriched and knowingly received payments from a trade finance fund which had been procured by a third party’s fraudulent scheme.

## Sale of Goods and Supply of Goods and Services

- **Hemingway v Harron Homes**

Acting as sole counsel, drafted the Defence, Part 20 Claim Form, and Particulars of Additional Claim for a housing construction defect claim, involving claims in contract, misrepresentation, and under the Consumer Rights Act 2015, and involving a disputed settlement agreement.

- **Volkswagen Emissions Litigation**

Assisted Charles Gibson KC, Prashant Popat KC, Nick Sloboda, Emma Jones, and others (during pupillage) acting for the Volkswagen Group in the ‘diesel-gate’ emissions claim, brought under the largest ever Group Litigation Order (around 100,000 Claimants).

- **Local Boy’z v Malu**

Assisted Tamara Kagan (during pupillage) in seeking summary judgment in a case about the importation of non-conforming COVID-19 face masks. The High Court granted summary judgment on part of the claim: [2021] EWHC 2439 (Comm).

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## Education

- City Law School, University of London: Bar Professional Training Course (Outstanding – ranked 1st in the year) [2019-2020]
  - Keble College, University of Oxford: BA (Hons) with Senior Status in Jurisprudence (First Class) [2017-2019]
  - New College, University of Oxford: BA (Hons) in Philosophy, Politics, and Economics (First Class) [2013-2017]
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## Academic Awards

- Senior Scarman Scholarship (for the best overall performance in the year), City Law School, University of London [2020]
  - Sweet & Maxwell Prize (for the highest mark in Company Law), City Law School, University of London [2020]
  - Academic Scholarship, City Law School, University of London [2019]
  - Princess Royal Scholarship (for the BPTC year), Inner Temple [2019]
  - Wronker Prize (for the best performance in Jurisprudence), University of Oxford [2019]
  - Gibbs Book Prize (for overall performance in Contract, Tort, Land Law, and Trusts), University of Oxford [2019]
  - Academic Scholarship, Keble College, University of Oxford [2019]
  - Six College Examination Prizes, Keble College, University of Oxford [2018]
  - Princess Royal Scholarship (the top award for those converting to Law), Inner Temple [2018]
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- In PPE finals' examinations, ranked 1st in the year in 1 paper and top 5 in the year in 5 papers [2017]
  - Academic Scholarship, New College, University of Oxford [2014]
  - Distinction in PPE preliminary examinations, University of Oxford [2014]
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## Publications

- 'MWB: Modifications, Wrangles, and Bypassing' [2018] LMCLQ 441, which has been cited by the Singapore Court of Appeal
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## Previous Experience

- Pro bono tribunal advocate, Flat Justice CIC [2020]
  - Tutor in Contract, Tort, and Trusts, Bloomsbury Law Tutors [2019-2020]
  - Employment Law volunteer, Free Representation Unit [2018]
  - Debating 'Scholar-in-Residence', EXPLO, Yale University [2016]
  - President, the Oxford Union [2016]
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## Awards



# Contact Clerks



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