

# ESSEX COURT CHAMBERS

BARRISTERS



## ANDREW HOCHHAUSE R KC

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### PROFESSIONAL PRACTICE

Andrew Hochhauser KC is a barrister at Essex Court Chambers, a Harmsworth scholar and Bencher of Middle Temple, a Fellow of the Chartered Institute of Arbitrators and a Deputy High Court Judge, ticketed in both the Chancery and Queen's Bench Divisions. He specialises in commercial and employment litigation, with a substantial court and advisory practice. For over twenty five years he has been highly recommended by all the legal directories in both commercial dispute resolution and employment. He was recently described by Chambers UK as *"The best cross-examiner in the business"* who *"sets the standard for dedication to the cause"* And the Legal 500 said *"He can win the unwinnable cases, he can terrify the opposition with his name alone and he can make the court dance to his tune"* .

As a Fellow of the Chartered Institute of Arbitrators, Andrew has knowledge and experience of national and international arbitration. He has delivered lectures to Chancery Bar Association, the Employment Lawyers Bar Association, the Bar Conference, the Institute of Barristers' Clerks, the Singapore Bar Association and Bristol University. Between 2007-2018, he has chaired first the Middle Temple Scholarship and Prizes Committee and then its Education Committee, fostering young talent and promoting excellence at the Bar. Andrew is Vice Chair of the Inns of Court College of Advocacy, with responsibility for Specialist Bar Associations and, in that capacity, he has run several specialist courses on handling expert evidence for experienced practitioners. For 15 years, together with fellow IAA trainer Colin Edelman QC, ran the Middle Temple New Practitioners Civil Programme, overseeing advocacy training for new barristers. He is Treasurer of Middle Temple. Together with Lord Justice Bean, he set up the

Inn's Access to the Bar Awards, which enables those from underprivileged backgrounds to spend time in chambers and shadowing a Judge.

He is honorary Counsel to Westminster Abbey. In 2011 he obtained an MA from the Courtauld Institute of Art, where he specialised in British Modernism. He was a Trustee of the V&A from 2011-2019, and he is currently Chair of the Samuel Courtauld Trust, Chair of Paintings in Hospitals, a Governor of the University of the Arts London, a Trustee of the National AIDS Trust, Ballet Black and Courtauld Institute of Art.

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## AREAS OF EXPERTISE

- Commercial dispute resolution
- Company law
- Employment
- Media, art, entertainment
- Professional negligence
- Recent cases decided as Deputy High Court Judge

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## COMMERCIAL DISPUTE RESOLUTION

- **Ahmed v Sheikh Al Khalifa [2019] EWHC 27 (Comm)** – successfully defending a member of the Bahraini Royal family against a US\$42m claim in the Commercial Court in relation to an alleged oral agreement in respect of the arrangement of meetings with Bollywood stars.
- **Ricci v Nomura International Plc** – defending Nomura against a multi-million pound claim in the QBD by a former head of Structured Equity and Fund Derivatives Sales for wrongful dismissal and breaches of terms relating to remuneration. Linked to a criminal case being tried in Milan. Ongoing.
- **Elseco Ltd v Pierre-Eric Lys** – [2018] A DIFC claim between two shareholders in relation to the removal of a founder shareholder and CFO allegedly 'for cause' and an arbitration claim for damages for breach of a shareholder agreement by the outgoing shareholder. In the Court of Appeal of the Judicial Authority of the Dubai International Financial Centre, permission to appeal was granted on the basis that the appeal raised issues of public importance. The arbitration claim was settled after closing submissions had been filed.
- Acting for a hedge fund in relation to a claim arising out of the launch of a first corporate UK listed bond pursuant to a £150m Secured Medium Term Note Programme.
- Defending a substantial claim brought by a Hedge Fund against a senior employee that he was in breach of the terms of an Exit Agreement.

- **Daniels and Tate v Lloyds Bank [2018] EWHC 660 (Comm)** Defending Lloyds Bank in relation to claims brought by former CEO and MD of Corporate Banking in relation to its long-term share incentive plan and their reliance on a malus clause.
- Defending **Stena Drilling Ltd and Stena Drillmax I Ltd** in a Commercial Court claim at first instance and on appeal [2017] EWHC Civ 94, in relation to a multi-million success fee arising from the charter of a drillship to Shell.
- Representing a firm of solicitors in a Chancery Division claim to recover confidential information from a former partner.
- Acting for the Beckhams involving a claim against their former nanny.
- Representing the late Michael Jackson in his claim against Granada.
- In addition, the international nature of some of his cases has resulted in him appearing as counsel before the courts in the Eastern Caribbean.

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## EMPLOYMENT

- **Hard and Lock v Kuwait Investment Office** – instructed by the Respondent in a jurisdictional challenge based on State Immunity claim, to be heard later in 2020. Currently there is a hearing in the EAT in relation to a challenge to disclosure based on diplomatic immunity.
- Acting for a hedge fund in settlement negotiations in relation to a multi-million claim brought by one of its founder members.
- **Sattar v Citibank [2019] EWHC Civ 2000** – appearing in the EAT and the Court of Appeal for a Claimant, who had work for the bank in a senior position for over 40 years, in a substantial unfair dismissal and disability discrimination claim. In addition, appearing for the same individual in High Court proceedings brought by the Bank seeking claw-back of a substantial pension payment made pursuant to a settlement agreement in respect of a dispute as to Mr Sattar’s pension entitlement.
- **Patel v BALPA** – acting for BALPA, the pilots’ trade union, in a claim for racial discrimination brought by a former TU representative of BALPA, who resigned on 14 October 2018.
- **Sidhu v YourMD [2019]**– appearing for a senior employee against a company in a claim for unfair and wrongful dismissal, racial and sexual orientation discrimination.
- **Advising the Commonwealth Secretariat** in relation to their employment matters [2018 -]
- **Bluecrest Capital Management (UK) LLP v Codrington and Hartley [2019]** Defending two limited partner and senior portfolio managers in a Commercial Court claim valued at £7.4m of the return of performance related bonuses allegedly forfeited by them because they were considering resigning when the bonus award was made.

- Successfully defending **Gatehouse Bank** in whistle blowing and race/religion discrimination proceedings in 12 day Employment Tribunal case;
- Representing a number of former Dresdner Kleinwort bankers, who won their battle on first instance [2012] EWHC 1189 and on appeal [2013] EWCA Civ 394 to force Dresdner Kleinwort to pay out bonuses promised to its investment bankers prior to its takeover by Commerzbank in 2008.

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## RECENT CASES DECIDED AS DEPUTY HIGH COURT JUDGE

- **European Film Bond A/S v Lotus Holdings LLC** [2020] EWHC [1115] (Ch) – a case about whether sums were due under a film financing guarantee
- **Mazars v Hewitt** [2019] EWHC 3729 ex tempore judgment on a bankruptcy case.
- **Sheikh Mohamed Bin Issa v Boseh** [2019] EWHC2142 (Ch) continuation of worldwide freezing order.
- **SPI North Swiss Post** [2019] EWHC 2004 (Ch) Application to amend to include inclusion of implied terms.
- **Dawson-Damer v Taylor Wessing** [2019] EWHC 1258 (Ch) Data Protection case reversed by the CA in [2020] EWCA Civ 352
- **Candey Ltd v Crumpler** [2019] EWHC 282 (Ch) two applications relating to recovery of a success fee under a CFA, judgment upheld by the Court of Appeal [2016] EWCA Civ 1311
- **Ennis Property Finance Ltd v Thompson** [2018] EWHC 1929 (Ch) Case about enforcement of guarantees, including a defence of undue influence.
- **Zinc Cobham v Adda Hotels** [2018] EWHC 1025 (Ch) Striking out a claim for specific performance.
- **Puzitskaya v St Paul's Mews** [2017] EWHC 905 (Ch) Companies Court re construction of company's articles.
- **Angel Group v Davey** [2017] EWHC 1149 (Ch) Whether indemnity costs should be ordered.
- **DB UK Bank v Jacobs Solicitors** [2016] EWHC 1614 (Ch) Rival offers – Part 36 v normal WP offers – a ruling on which takes precedent where rival offers and counter-offers are made.
- **Actial Farmaceutical v de Simone** – a jurisdictional challenge [2015] EWHC 836 (Ch), upheld by the Court of Appeal, [2016] EWCA Civ 1032, and a contempt of court case [2015] EWHC 2831 (Ch) – where the contemnor was fined €50,000.
- **In the matter of Eiffel Steel Works Ltd** [2015] EWHC 511 (Ch) Insolvency case – whether the appointment of administrators was effective.
- **Re Scot Gordon Young** [2014] EWHC 4315 (Ch) Application to compel joint trustees of an ex-husband's estate to summon a creditors' meeting at her request for the purpose of their

removal.

- **Energy Renewals Ltd v Borg** [2014] EWHC 2166 (Ch) Case about misuse of confidential info and enforceability of post-termination Restrictive Covenants

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## WHAT OTHERS SAY

### **The Legal 500 UK Bar 2021, Commercial Litigation:**

*“Extremely intelligent, very tenacious and will fight every inch in his client’s best interests.”*

### **The Legal 500 UK Bar 2021, Employment:**

*“Extremely intelligent, very tenacious and will fight every inch in his client’s best interest.”*

### **Chambers and Partners UK Bar 2021, Commercial Dispute Resolution:**

*“A man with excellent judgement,”* who is *“a ruthless cross-examiner in the best sense of the word.”*

### **Chambers and Partners UK Bar 2021, Employment:**

*“He’s phenomenal in terms of strategic advice, he’s incisive and to-the-point and brings tremendous insight.”*

*“He is the best cross-examiner in the business and he’s a go-to barrister if you’ve got a really difficult, high-value case. Simply amazing.”*

### **Chambers and Partners UK Bar 2020, Commercial Dispute Resolution:**

*“A ferocious cross-examiner”* who *“sets the standard for dedication to the cause.”*

### **Chambers and Partners UK Bar 2020, Employment:**

*“An exceptional barrister who is the gold standard in cross-examination.”* *“Able to explain complex law in very simple terms, and takes people to pieces in cross-examinations.”* *“He’s the man you want in your corner for an aggressive approach to the case.”*

### **The Legal 500 UK Bar 2020, Commercial Litigation:**

*“An excellent advocate with superb judgement and a great team player.”*

**The Legal 500 UK Bar 2020, Employment:**

*“He can win the unwinnable cases, he can terrify the opposition with his name alone, and he can make the court dance to his tune.”*

**Chambers and Partners UK Bar 2019, Commercial Dispute Resolution:**

*“Has excellent judgment” and is both “an amazing cross-examiner and a very persuasive advocate – if you need someone ripped apart in the witness box, he is your man.”*

**Chambers and Partners UK Bar 2019, Employment:**

*“Has established a strong reputation in h market as a powerful, resolute advocate who will aggressively fight the client’s case. “Extremely responsive and creative in his approach”*

**The Legal 500 UK Bar 2019, Commercial Litigation:**

*“An excellent advocate with superb judgement and a great team player.”*

**Chambers and Partners UK Bar 2018, Employment:**

*“An extraordinary litigator and a fantastic tactician who knows how to win.” “In court he is something to behold. He is great for advocacy and good on big cases where you need a flamboyant, fantastic advocate.”*

**Chambers and Partners UK Bar 2018, Commercial Dispute Resolution:**

*“A first-class QC in the employment, commercial and media law crossover, he is extremely highly regarded, very fierce in court and very hard-working.”*

**Chambers and Partners UK Bar 2017, Employment:**

*“He is an extremely skilled advocate who has a tremendous knowledge across the employment spectrum. He can be magical in the courtroom and is the best cross-examiner in the business.”*

**Chambers and Partners UK Bar 2017, Commercial Dispute Resolution:**

*“A leader with real gravitas.” “He is quick with his paperwork and shows excellent judgement.”*

**The Legal 500 UK Bar 2016, Employment:**

*'A fearsome cross-examiner.'*

**The Legal 500 UK Bar 2016, Commercial Litigation:**

*'A fierce courtroom advocate, who will fight tooth and nail for his clients.'*

**Chambers UK 2015, Employment:**

*"An unbelievable advocate in the sense of his critical analysis of a case and his cross-examination of witnesses." "He is the consummate court advocate, as he's brilliant at making submissions, and in cross-examination."*

**Chambers UK 2015, Commercial Dispute Resolution:**

*"An awesome cross-examiner." "The consummate court advocate, he's brilliant at making submissions, brilliant at cross-examination and great on the detail"*

**The Legal 500 UK Bar 2014, Employment:**

*"When you get to the courtroom, he is the one you want."*

**The Legal 500 UK Bar 2014, Commercial Litigation:**

*"An extremely skilled advocate who has tremendous knowledge."*

**Chambers and Partners UK Bar 2013, Commercial Dispute Resolution:**

Andrew Hochhauser QC offers those that instruct him *"superior quality of analysis, a capacity for hard work, and excellent advocacy skills."* Solicitors say that *"he immediately identifies the heart of the case,"* and is *"a highly active and voluble part of the team."*

**Chambers and Partners UK Bar 2013, Employment:**

*"Fabulous advocate"* Andrew Hochhauser QC is commended for his *"ferocious"* approach and for the fact that he *"has a boldness that can take your breath away."*

**The Legal 500 UK Bar 2012, Commercial Litigation:**

Andrew Hochhauser QC is *'a natural choice where a very robust approach is called for'*

**The Legal 500 UK Bar 2012, Employment:**

Andrew Hochhauser QC is *'a formidable advocate with a well-earned reputation as a fiery and effective cross-examiner'*. **2012 Chambers and Partners – Commercial Dispute Resolution**

His diary has scarcely been empty over the last year, something which could also be said of the *"incredibly diligent"* Andrew Hochhauser QC. Though Hochhauser is perhaps best known for his superb employment practice, his *"ferocious cross-examination skills"* are also frequently sought out in commercial disputes.

### **2012 Chambers and Partners – Employment**

Considered to be *"unsurpassable"* in the employment arena, Andrew Hochhauser QC is *"a ferocious advocate and a brutal opponent, equipped with tremendous knowledge and a reputation that carries incredible weight."* One source commented: *"If you seek a passionate style of advocacy and a poetic way with words, then he is unmatched."*

### **2011 Legal 500 – Commercial Litigation**

Andrew Hochhauser QC is *"an extremely incisive and tenacious lawyer, drilling down very quickly to the important legal issues but also bringing a very practical, common-sense edge to his advice"*.

### **2011 Legal 500 – Employment**

Andrew Hochhauser QC is a *"tenacious lawyer, who drills down, very quickly, into the important legal issues"*

### **2012 Legal 500 – Media, Entertainment & Sport**

Andrew Hochhauser QC is *"extremely bright and very able on his feet"*

### **2011 Chambers and Partners – Commercial Dispute Resolution**

Clients also like Andrew Hochhauser QC as he is *"absolutely on the ball and one of the most devastating cross-examiners around."*

### **2011 Chambers and Partners – Employment**

Andrew Hochhauser QC is described as an *"absolute killer in court who goes straight for the jugular."* Demanding and at times terrifying for the opponent, he is a performer who *"gives*

*everything he's got*" and entertains with some of the best advocacy the Employment Bar has ever seen.

### **2010 Legal 500 – Commercial Litigation**

Andrew Hochhauser QC is *'delightful to work with and very effective'*, **2010 Legal 500 – Employment**

At the *'fantastic'* Essex Court Chambers, *'the general quality of the barristers is almost unsurpassed'*. Andrew Hochhauser QC is an *'incredible advocate who is commercially savvy and accessible'*

### **2010 Legal 500 – Civil Fraud**

Andrew Hochhauser QC *'demolishes witnesses, but is clever about it'*

### **2010 Legal 500 – Media, Entertainment & Sport**

*'Challenging opponent'* Andrew Hochhauser QC represented celebrity chef Gary Rhodes.

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## **CAREER**

**1977** Middle Temple (Bencher 2000)

**1997** Silk

**2004** Recorder (Civil)

**2013** Deputy High Court Judge (Chancery)

**2014** Deputy High Court Judge (Queen's Bench Division)

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## **EDUCATION**

LLB, University of Bristol (1976)

LLM, University of London (1977)

MA, Courtauld Institute of Art (2010)

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## **AWARDS**

Harmsworth Scholar, Middle Temple (1977)