



Richard Spearman QC

Date of Call: 1977

Year of Silk: 1996

Richard Spearman QC has a wide ranging general commercial and common law practice. In particular, he is regularly instructed in cases involving commercial fraud, media and entertainment (contracts, copyright, breach of confidence/privacy, data protection, defamation, arbitration), music industry (contracts, copyright, Copyright Tribunal), sports law (including disciplinary proceedings, arbitration), insurance and reinsurance, sale of goods, restraint of trade, and professional negligence.

He has appeared in many reported cases, including cases concerning restraint of trade, freezing injunctions, letters of credit, civil fraud, tracing, judicial review, disclosure, insurance, defamation, copyright, confidence, private information and data protection. He was one of The Lawyer magazine's "Hot 100" for 2002, was shortlisted for "Barrister of the Year" in 2003 and for "Defamation Silk of the Year" in 2008, and was briefed in the House of Lords in *Grobbelaar v NGN*, *Campbell v MGN*, *Cream Holdings v Banerjee*, and *Polanski v Conde Nast*.

He has, for many years, consistently been recommended in independent directories as a leading practitioner in a number of different areas. He is currently recommended in Chambers & Partners in: Media and Entertainment (Rank 1); Defamation and Privacy (Rank 1); and Sport, and in the Legal 500 in: Defamation and Privacy (Rank 1); Media and Entertainment and Sport (Rank 1); Administrative and Public Law; and Fraud (Civil).

Main reported cases (in reverse date order):

- **Scopelight Ltd and Others v Chief Constable of Northumbria Police and Federation Against Copyright Theft (Court of Appeal)** (police powers to retain seized property pending private prosecution; Article 8)
- **Re Child X (Residence and Contact – Rights of media attendance – FPR Rule 10.28(4)) (2009) EMLR 26 (Sir Mark Potter P)** (test case about the principles to be applied in relation to media access and reporting in family law cases concerning the children of celebrities)
- **WER v REW (2009) EMLR 304 (Sir Charles Gray)** (appropriate procedure where a litigant intends to serve an injunction upon one or more third parties in reliance on the "Spycatcher" principle; compliance with Practice Direction to CPR 25)
- **Murray v Big Pictures Ltd (2008) 3 WLR 1360 (Court of Appeal)** (successful appeal of David Murray, the infant son of the author J.K. Rowling and her husband Dr Neil Murray, from the dismissal by Patten J of his claims against a photographic agency for misuse of private information and under the Data Protection Act 1998)
- **Johnson v MDU (2007) 96 BMLR 99 (Court of Appeal)** (data protection; processing; pecuniary loss; causation; whether compensation for harm to reputation envisaged in the Data Protection Act 1998)
- **Independiente Ltd v Music Trading On-Line (HK) Ltd (2007) EMLR 651 (Evans Lombe J)** (copyright; breach of undertaking; consent orders; contempt of court; parallel imports; measure of damages)
- **Lord Browne of Madingley v Associated Newspapers Ltd (2007) EMLR 515 (Eady J)** (confidence/privacy; false statements; extent to which grant of interim injunction appropriate)
- **X v Persons Unknown (2007) EMLR 290 (Eady J)** (injunctions against persons unknown; appropriate procedure where a litigant intends to serve an injunction upon one or more third parties in reliance on the "Spycatcher" principle)

- **Armstrong v Times Newspapers Ltd (2006) 1 WLR 2462 (Court of Appeal)** (defamation; court's power to order different questions of fact to be tried by different modes of trial; judge's decision that issue of meaning should be tried by judge alone upheld)
- **Campbell v MGN Ltd (No 2) (2005) 1 WLR 3394 (House of Lords)** (confidence/privacy; whether a system of law that allows success fees for which provision is made in a CFA to be recoverable from the losing party in a free speech case is incompatible with Article 10)
- **Green Corns Ltd v Claverley Group Ltd (2005) EMLR 748 (Tugendhat J)** (confidence/privacy; whether injunction should be granted to restrain newspaper from publishing information about care homes)
- **Sawkins v Hyperion Records Ltd (2005) 1 WLR 3281 (Court of Appeal)** (copyright; whether copyright subsisting in modern performing edition of historical musical composition)
- **Greene v Associated Newspapers Ltd (2005) QB 972 (Court of Appeal)** (defamation; interim injunction; whether rule in Bonnard v Perryman compatible with claimant's Article 8 rights; whether court should ask whether proposed defence more likely than not to fail)
- **Polanski v Conde Nast Ltd (2005) 1 WLR 637 (House of Lords)** (defamation; whether claimant should be permitted to give evidence by video conference link from abroad to avoid risk of arrest and extradition)
- **Cream Holdings Ltd v Banerjee (2005) AC 253 (House of Lords)** (confidence; injunction; meaning of "likely" in section 12(3) Human Rights Act 1998; whether interim injunction should be granted)
- **Collins Stewart v Financial Times Ltd (2005) EMLR 64 (Tugendhat J)** (defamation; parent and subsidiary company suing newspaper for libel; whether claim for special damages based on the fall in share value of the parent company following publication should be struck out)
- **Campbell v MGN Ltd (2003) QB 633 (Court of Appeal) and (2004) 2 AC 457 (House of Lords)** (confidence/privacy; right of media to set the record straight where a public figure chooses to misinform the public about his or her private life; whether disclosure of private information was in breach of confidence; Data Protection Act 1998: meaning of "processing and scope of section 32 exemption)
- **Attorney-General v Parry (2004) EMLR 223 (Lewison J)** (confidence; contract; public interest; whether interim injunction should be granted to restrain further publication of information about Royal households acquired by a journalist from his employment as a footman at Buckingham Palace)
- **National Westminster Bank v Malhan (2004) 2 P&CR D9 (Sir Andrew Morritt V-C)** (action by bank giving rise to issues concerning right to respect for home, property and discrimination in possession actions)
- **Jockey Club v Buffham (2003) QB 462 (Gray J)** (whether final order for injunction operative against third party on "Spycatcher" principle; whether public interest in publication of material relating to performance of regulatory role of Jockey Club outweighed by Jockey Club's right of confidence)
- **A v B plc (2001) 1 WLR 2341 (Jack J) and (2003) QB 195 (Court of Appeal)** (confidence/privacy; injunction; claimant's extra-marital affairs; guidelines for grant of interim relief in confidence cases)
- **Chase v News Group Newspapers Ltd (2003) EMLR 218 (Court of Appeal)** (defamation; justification; conduct rule; repetition/hearing rule; compatibility with Article 10)
- **Papamichael v National Westminster Bank Ltd (2003) 1 Lloyd's Rep 341 (QB Commercial Court, HH Judge Chambers QC)** (banking; SWIFT stating GDR 2 billion remitted for "further credit" of claimant; bank allowing claimant's husband to use monies as collateral for forex trading; monies lost; whether claimant entitled to succeed against bank in claims for restitution, "dishonest assistance" and "unconscionable receipt")
- **Sony v Easyinternet Cafe Ltd (2003) FSR 882 (Peter Smith J)** (copyright; whether provision of CD burning service by internet cafes infringed copyright in sound recordings downloaded from the internet; section 70 Copyright Designs and Patents, Act 1988)

- **Loutchansky v Times Newspapers Ltd (2002) QB 321 (Court of Appeal)** (defamation; qualified privilege; whether publisher entitled to rely on facts unknown to him at the date of publication) and (Nos 2-5) (2002) QB 783 (Court of Appeal) (defamation; qualified privilege; test for duty to publish; single publication rule; summary disposal)
- **Theakston v MGN Ltd (2002) EMLR 398 (Ouseley J)** (confidence/privacy; injunction; whether publication of story and photographs relating to claimant's visit to brothel should be permitted)
- **Nottinghamshire Healthcare National Health Service Trust v News Group Newspapers Ltd (2002) EMLR 709 (Pumfrey J)** (copyright; infringement; quantum; additional damages; whether exemplary damages can be awarded under s97(2) of the Copyright Designs and Patents Act 1988)
- **Athletic Union of Constantinople v National Basketball Association (2002) 1 Lloyd's Rep 305 (Richard Field QC)** (arbitration; award; dispute as to jurisdiction; sections 33(1), 67, 69, 73(1) Arbitration Act 1996) and **(2002) 3 All ER 987 (Court of Appeal)** (arbitration; award; challenge to award on grounds of lack of jurisdiction; whether Court of Appeal has jurisdiction to grant permission to appeal from decision of High Court on such a challenge; section 67(4) Arbitration Act 1996)
- **Mills v News Group Newspapers Ltd (2001) EMLR 957 (Lawrence Collins J)** (confidence/privacy; Human Rights Act 1998; whether prior restraint by injunction appropriate)
- **Grobbelaar v News Group Newspapers Ltd (2001) 2 All ER 437 (Court of Appeal)** (defamation; qualified privilege; reversal by Court of Appeal of perverse jury verdict on plea of justification) and **(2002) 4 All ER 732 (House of Lords)** (perversity; jurisdiction of House of Lords to assess damages; substitution of £1 for jury award of £85,000)
- **Ashdown v Telegraph Group Ltd (2001) Ch 685 (Sir Andrew Morritt V-C) and (2002) Ch 149 (Court of Appeal)** (copyright; fair dealing; public interest; impact of Human Rights Act 1998 on protection afforded to copyright owners under the Copyright Designs and Patents Act 1988)
- **Hyde Park Residence Ltd v Yelland (1999) RPC 655 (Jacob J) and (2001) Ch 143 (Court of Appeal)** (copyright; public interest and fair dealing defences)
- **Grobbelaar v Sun Newspapers Ltd (1999) Times Law Reports 598 (Court of Appeal)** (defamation; CPR; Court's power to exclude evidence)
- **Kazakstan Wool Producers (Europe) Ltd v NCM (1999) 2 All ER 445 (Comm Cas) (Toulson J) and (2000) All ER 708 (Comm Cas) (Court of Appeal)** (insurance; construction of contract for export credit insurance)
- **C v S (1999) 2 All ER 343 (Court of Appeal)** (civil fraud/tracing; Norwich Pharmacal/Bankers Trust Orders; production of documents by banks and other financial institutions; risk of prosecution for "tipping off"; procedure to be followed)
- **A & J Fabrications Ltd v Grant Thornton (No 2) (1999) Times Law Reports 588 (Astill J)** (whether tortious duty of care owed to creditor by solicitor advising liquidator)
- **A & J Fabrications v Grant Thornton (1998) 2 BCLC 227 (Jacob J)** (contractual and tortious duty of care owed by liquidator to creditor)
- **HIB Ltd v Guardian Insurance Co Inc (1997) 1 Lloyd's Rep 412 (Longmore J)** (reinsurance; RSC Order 11; forum non conveniens)
- **Formica v Secretary of State acting by the Export Credit Guarantee Department (1995) 1 Lloyd's Rep 692 (Colman J)** (discovery; privilege; terms of ECGD guarantee)
- **Brinks Ltd v Abu Saleh (Nos 1 and 2) (1995) 1 WLR 1478 and 1487 (Jacob J and Rimer J respectively)** (civil fraud/tracing; whether delay a bar to summary judgment; whether transcript of judge's summing up in criminal trial admissible in evidence in subsequent civil proceedings)
- **AIRC v PPL (1994) RPC 143 (Copyright Tribunal)** (s135 Copyright Designs & Patents Act 1988; royalty and other terms appropriate for licensing scheme governing radio broadcasting of sound recordings; whether Copyright Tribunal has jurisdiction to award interest)
- **Chater and Chater Productions Ltd v Rose & Anr (1994) FSR 491 (Jacob J)** (claim for infringement of copyright; whether early discovery appropriate; whether appropriate to grant injunction restraining showing of pantomime unless lyrics and score first disclosed to plaintiff)

- **R v Birmingham City Council ex p Ferrero Ltd (1993) 1 All ER 530 (Court of Appeal)** (judicial review; Consumer Protection Act; whether decision banning goods susceptible to judicial review)
- **R v Jockey Club ex p Aga Khan (1993) 1 WLR 909 (Court of Appeal)** (judicial review; tribunal decision to disqualify racehorse; whether decisions of the Jockey Club amenable to judicial review)
- **R v Jockey Club ex p RAM Racecourses Ltd (1993) 2 All ER 225 (Divisional Court)** (judicial review; whether Jockey Club report raised legitimate expectation as to grant of fixtures to applicant; whether decision of the Jockey Club amenable to judicial review)
- **Istel (A.T. & T.) Ltd v Tully (1992) QB 315 (Court of Appeal) and (1993) AC 45 (House of Lords)** (civil fraud; privilege against self-incrimination)
- **Mannesman Handel AG v Kaunlaran Shipping Corporation and Ors (1993) 1 Lloyd's Rep 89 (Saville J)** (liability of bank to make payment under letter of credit; bank holding proceeds of sale of goods; bank knowing sale negotiated dishonestly with use of false documents)
- **EMI Records Ltd v CD Specialists Ltd (1992) FSR 70 (Hoffmann J)** (copyright; whether Anton Piller order should be discharged; whether Euro-defences relying on exhaustion of rights, Article 30 of the Treaty of Rome and consent of copyright owner given in Germany should be struck out)
- **Alltrans Inc v Interdom Holdings Ltd (1991) 2 Lloyd's Rep 571 (Court of Appeal)** (Mareva injunction; parallel Dutch and English proceedings; jurisdiction under s25 Civil Jurisdiction and Judgments Act 1982)
- **R v Jockey Club ex p Wright (1991) COD 306 (Divisional Court)** (judicial review; duty of full and frank disclosure on ex parte application for judicial review; setting aside of leave for material non-disclosure)
- **Warren v Mendy (1989) 1 WLR 853 (Court of Appeal)** (restraint of trade; whether boxing manager entitled to injunction to restrain new management)
- **Saunders v Edwards (1987) 1 WLR 1116 (Court of Appeal)** (deceit; whether claim defeated by illegality in contract; whether interest should be awarded on damages for inconvenience and disappointment)

EDUCATION

Bedales; King's College Cambridge (MA) (1974)

JUDICIAL APPOINTMENTS

Recorder of the Crown Court 1998 (and County Court 2004)

OTHER APPOINTMENTS

Member Bar Disciplinary Panels (and Chairman of summary hearings) (ad hoc)
Bencher of the Middle Temple (2006)

PERSONAL

Interests: family, racquet sports, skiing. Memberships: Brooks's, Hurlingham, MCC.

AFFILIATIONS

COMBAR
Chancery Bar Association
Bar Sports Law Group

OTHER BARS

Gibraltar
Trinidad and Tobago

CIRCUITS

Midland

DIRECTORY ENTRIES

Chambers & Partners:

Recommended as a leader in **Defamation/Privacy**: "*one of the greats*" for privacy work and considered "*an absolute rock*". A "*thorough genial individual (he) always puts himself out with us. He is brilliant to deal with and offers attention to detail... a master of many trades*" (2008) and "*knows the law relating to defamation and privacy better than anyone*". In addition, clients admire his "*desire to push the law forward.*" (2010); **Media and Entertainment**: "*Fantastic... praised for his charming manner, many sources lauding him as a clever, clear and talented advocate*" (2008), "*he knows the wider media world backwards*" (2009) and "*superb, reassuring and extremely confident... he has an added insight and empathy that is sometimes lacking in some barristers*" (2010); **Sport**: "*man you can trust with cases of the highest importance*" (2009).

Legal 500:

Recommended as a leader in **Administrative & Public Law; Defamation and Privacy**: "*brilliant, amenable, user friendly...someone who is in a tier of his own*" and "*highly skilled and experienced advocate who relishes cut and thrust*" (2008) and "*an aura few other counsel in the field possess...pragmatic and commercial with an amazing eye for detail and ability to retain information*" (2009); **Fraud (Civil); Media/Entertainment and Sport**: "*described by solicitors as the best media silk in the country, praised for his brilliant delivery in court, being a real thinker, a lovely advocacy style*" (2007), "*superb all-round media lawyer...incredibly generous with his time and has an excellent sense of humour*" (2008) and "*amazing knowledge and technical ability*" (2009).

Legal Experts, 2007:

Recommended expert in **Defamation, Media & Entertainment and Sports Law**.

LECTURES

The Law of Privacy (Middle Temple, 18 November 2006)

Privacy – The Swinging Pendulum (ALBA Seminar, 3 March 2010)

PUBLICATIONS

Contributor to Information Rights, ed Philip Coppel, Sweet & Maxwell, 2004; Second Edition 2007

"Is there a public interest in exposing the details of the private lives of celebrities"; Verdict (the magazine of the Oxford University Law Society); Spring 2006

Sales of Goods Litigation (with F.A. Philpott), Oyez Longman, 1983; Second Edition 1994