



Richard Hitchcock QC

Year of call	Silk	Email
1990	2014	richard.hitchcockqc@outertemple.com

Richard Hitchcock QC has broad experience of acting as adviser and advocate in the commercial sphere.

In recent years his practice has become principally focused in five complimentary areas: Trusts and Occupational Pension Schemes; Commercial Chancery; Civil Fraud; Banking and Financial Services and Professional Negligence.

In addition, he has developed and maintains niche practices in commercial law more generally, construing commercial contracts in particular ISDA Agreements.

London

Outer Temple Chambers
The Outer Temple
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Abu Dhabi

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T: +971 2694 8596

Dubai

Level 15
The Gate Building
Dubai International Financial Centre
Dubai, UAE

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Pensions & Trusts

Expertise in all areas of the law relating to trusts occupational pension schemes, acting for trustees, employers, beneficiaries / members, trade unions and third parties to the trust (principally actuaries, auditors, accountants, brokers, scheme consultants and solicitors).

Issues raised in current cases include:

Trusts: construction of trust powers and duties; rectification and variation of trusts issues; administration of trusts; defending and litigating hostile claims by beneficiaries; pre-emptive costs applications prior to trust litigation.

Pensions: investment management and breach of duties in relation to investments; scope of actuaries and auditors duties; statutory construction in particular in relation to winding up and open/frozen scheme issues; construction of scheme documents and in particular trust powers; equalisation including GMPs; rectification and rescission and the scope of the powers of the Pensions Regulator.

He has exceptional experience of Regulatory cases involving U.S. targets, and in negotiating and litigating UK pensions issues against a backdrop of US debt restructuring / Chapter 11 proceedings having been involved in the Sea Containers, Nortel, Visteon, MF Global, Lehman Brothers and Desmond matters. He has conducted successful applications for judicial review of decisions of the Pensions Regulator.

He has acted as both arbitrator in pensions cases and as an expert witness in claims in the United States of America and Grand Cayman.

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Commercial & Chancery

A litigation based company practice, which incorporates all manner of general commercial disputes, in particular those involving shareholders and directors' duties.

He is currently acting for administrators resisting commercial claims under guarantees and contracts arising through implication from conduct.

He has acknowledged expertise in acting in company disputes incorporating other areas of law, in particular banking, pensions, finance and insolvency.

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Business Crime

Richard's work in this area typically involves disputes involving company directors, joint venturers and LLP members. His broad commercial experience and particular expertise with regard to breach of fiduciary duty provide the ideal qualification for this area of work.

Recent cases involve:

- Defending a claim alleging fraudulent investment and investment advice
- Acting for hedge fund managers in a claim against a subsidiary company arising out of employee fraud
- Acting for an LLP in a claim alleging fraud in the drafting and implementation of a contract.

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Financial Services

Wide experience in all aspects of the current regime for carrying out investment business, acting both for the FCA and for regulated firms and individuals.

Recent and current cases have raised the following issues: mis-selling of derivative products including LIBOR linked products; broad ranging compliance issues (instructed by both solicitors and in-house counsel); statutory construction (FSMA 2000 and European legislation); sale of investments (common law and statutory breach issues and scope of duties); unauthorised business / perimeter issues; applicability of conduct of business rules; collective investment schemes; availability of remedies under the Financial Services Compensation Scheme; MiFID II and the European Market Infrastructure Regulations.

He has exceptional experience of Regulatory cases involving U.S. targets, and in negotiating and litigating UK banking issues against a backdrop of US debt restructuring / Chapter 11 proceedings having been involved in the Sea Containers, Nortel, Visteon, MF Global and Lehman Brothers matters.

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Professional Negligence

Wide experience as adviser and advocate in cases relating to actuaries, accountants, auditors, benefit consultants, financial services professionals insurance brokers and solicitors.

He has particular experience of claims in the regulatory context, whether pensions, financial services or banking and claims for allegedly negligent tax and business advice.

Current cases raise issues including: scope of duty; extent of implied terms in retainer; relevance of professional guidance to contents of duty of care; date of knowledge; construction of contractual terms and loss of chance.

Richard also has wide experience of representing clients in mediations and other forms of ADR. He is available to accept instructions directly from professionals and lay clients.

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Appointments & Memberships

- Association of Pension Lawyers
- Chancery Bar Association
- Chartered Institute of Arbitrators
- Commercial Bar Association
- Financial Services Lawyers Association

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Recommendations



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Testimonials

“He is fiercely intelligent and he is very good to work with.” **Pensions, Chambers & Partners 2021**

“He is technically very able and always able to pull a rabbit out of a hat.” **Pensions, Chambers & Partners 2021**

“A great strategic thinker and finds commercial paths through complex issues.” **Pensions, Legal 500 2021**

“Well-respected advocate with extensive experience in regulatory cases.” **Pensions, Chambers & Partners 2020**

“Incredibly knowledgeable with an excellent ability to put clients at ease.” “He’s a very nice advocate when on his feet, bringing a sense of humour to a heavy area of the law.” **Pensions, Chambers & Partners 2020**

“Extremely bright, brilliantly creative and masterful in court – his judgement is superb’.” **Pensions, Legal 500 2020**

“Highly experienced. He has impressive technical knowledge and is an excellent advocate.” **Pensions, Chambers & Partners 2019**

“Exceptionally talented and very bright. He has sound commercial instincts and is very popular with clients.” **Pensions, Chambers & Partners 2019**

“He provides robust advice and is very approachable.” **Pensions, Legal 500 2019**

“He is an easy to deal with, down-to-earth advocate who makes complex matters very easy to understand.” **Pensions, Chambers & Partners 2018**

“He is a client-friendly barrister who provides constructive solutions for clients.” **Pensions, Chambers & Partners 2018**

“Bright and knowledgeable on a technical and procedural level, while being down to earth.” **Pensions, Legal 500 2017**

“He’s incredibly knowledgeable on pensions but he manages to convey his legal knowledge in a very

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understandable way for clients." **Pensions, Chambers & Partners 2017**

"He has a very down-to-earth attitude and is good when dealing with people who are not experienced in pensions." **Pensions, Chambers & Partners 2017**

"He blends a complete mastery of the voluminous detail with sharp insight."

"He is extremely knowledgeable and makes complicated arguments in a very uncomplicated and easy to understand way." **Pensions, Chambers & Partners 2016**

"He is a very persuasive advocate who has a nice style in court." **Pensions, Chambers & Partners 2016**

"He is razor sharp when it comes to banking advice, on both law and strategy. Nothing is too much trouble." **Banking & Finance, Legal 500 2015**

"He has a very engaging courtroom presence." "He's very approachable, good with clients and very good indeed on his feet." **Pensions, Chambers & Partners 2015**

"A charming, user-friendly, outstanding advocate." "Very persuasive both in writing and on his feet." **Chambers & Partners 2014**

"He provides excellent banking advice." **Banking & Finance, Legal 500 2014**

"Thoroughly deserved his promotion to silk." **Legal 500 2014**

"High-profile, witty and charming" Richard Hitchcock is "hugely enjoyable to work with, extremely approachable and an outstanding advocate," according to sources. He is "first-rate" and delivers submissions with a "laudable touch of humour and an elegant turn of phrase." **Chambers & Partners 2013**

"An outstanding advocate." **Legal 500 2013**

Richard Hitchcock – is "the full package" when it comes to the Pensions Bar. "Accessible and good with clients," he produces "excellent advocacy, addressing the court with a laudable touch of humour and an elegant turn of phrase." **Chambers & Partners 2012**

Richard Hitchcock displays "mastery of technical issues." **Legal 500 2012**

"An advocate of rare flair and imagination." Universally agreed to be at his best when on his feet, he has "excellent cross-examination techniques and an ability to break cases down to their underlying

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issues." Clients particularly like him as he is easy to deal with. **Chambers & Partners 2011**

Richard Hitchcock "knows the practice area inside out." **Legal 500 2011**

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