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# Alexander Polley KC

Barrister

Call 2005 Silk 2022



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## Scope of Practice

• Agency • Arbitration & ADR • Banking and Financial Services • Breach of Warranty • Civil Fraud • Conflict of Laws and Jurisdiction • Company • Contractual Disputes • Energy • Expert Determinations • Guarantees • Interim Remedies • Insolvency • Joint Venture Disputes • Professional Negligence and Liability • Rail Industry Disputes • Sale of Goods and Supply of Goods and Services • Shareholder Disputes

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## Overview

**Alexander Polley KC advises and appears in complex, high value, multi-party multi-jurisdictional commercial litigation and international arbitration. He is recommended by both Chambers UK and Global as a leading new silk (Commercial Dispute Resolution), by Chambers UK (Banking & Finance, Civil Fraud and Professional Negligence), and by The Legal 500 (Commercial Litigation, Civil Fraud, Banking & Finance and Professional Negligence).**

Alex's recent cases include *Flowgroup v Co-Op* (challenge to expert determination); *CMAL v HCCI* (reverse summary judgment in unilateral mistake rectification claim); *Contra v Bamford* (reverse summary judgment in claim for contractual success fee); *A v B and the FRC*, concerning the handling of privilege claims by an auditor in the context of a regulatory investigation; and *LA Micro v LA Micro* (an appeal concerning estoppels and abuse of process). He is also acting as part of the counsel teams in *Palladium Hotel Group v Deutsche Bank* (defending a bank against allegations of mis-selling currency derivatives) and in *NMC v EY* (defending an audit firm against allegations of negligence).

Alex's cases are often among those recognised by The Lawyer as the most significant and substantial commercial and financial cases of the year: for example, he was instructed in the *Chelsea Barracks* litigation (2010); the *HSBC/AHAB* litigation (2011); the *Banco Santander Totta* litigation (2015); *Cattles v PwC* (2015); *LIA v SocGen* (2017); *Holyoake v Candy* (2017); *PCP v Barclays* (2019, 2020); and *Pipia v BGEO* (2021).

Before taking silk in 2022, Alex was nominated by Chambers & Partners for the Junior of the Year award for Commercial Litigation in 2018, and for the Banking award in 2021. He was also identified in Legal Week's 'Stars at the Bar' 2012, which noted his "interpersonal skills and clear professional acumen". Interviewees commented that he is "an invaluable member of every team he's on".

” and “his written work is absolutely first rate, [articulating] even the most complex of arguments in a style that is both pithy and persuasive”.

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## Examples of Recent Cases

### Commercial Litigation

- **CMAL v HCCI [2022] EWHC 164 (Ch)**  
For the defendant obtaining reverse summary judgment in high profile proceedings claiming rectification of a settlement agreement for alleged unilateral mistake
- **Flowgroup v Co-Operative Energy [2021] Bus LR 755**  
For the buyer of an energy business in a Part 8 trial, resisting a challenge to an expert accounting determination of part of the purchase price said to have been reached by the expert misconstruing the parties’ contract
- **Confidential advice**  
For an energy supplier, advising on disputes with business customers in relation to various terms (and terminations) of framework energy supply contracts
- **Confidential arbitration**  
For a Korean corporation in LCIA proceedings concerned with equity commitment obligations arising out of Islamic finance structures for a major construction project
- **LA Micro v LA Micro [2022] 1 WLR 336**  
For the respondent in an appeal arising out of complex prior proceedings, raising issues relating to abuse of process and estoppel by conduct
- **A v B and the FRC [2020] 1 WLR 3989, [2020] EWHC 1492 (Ch)**  
For an audit firm in the Part 8 trial of claims and counterclaims of privilege issues arising from an FRC investigation into the audit of a major business
- **Contra Holdings v Bamford [2022] EWHC 1857 (Comm)**  
For a member of the family behind the JCB group of businesses, striking out a claim for a contractual success fee in relation to alleged consulting services connected with a possible sale of the group
- **Pipia v BG UK**  
For the UK holding company of Bank of Georgia, in relation to claims that it or its operating subsidiaries wrongfully deprived the claimant of the benefit of a business in Georgia (one of The Lawyer’s top cases of 2021)
- **Confidential arbitration**  
For a major consumer business in ICC arbitration claims for alleged deceit and breach of warranty, arising from the sale of one of its business units to a private equity firm

### Banking and Financial Services

- **Palladium Hotel Group v Deutsche Bank**

For Deutsche Bank defending claims for negligent misstatement, misrepresentation and want of capacity arising out of ISDA-governed forex transactions

- **PCP v Barclays [2021] EWHC 307 (Comm)**

For Barclays in substantial claims for alleged fraudulent misrepresentation arising out of a capital raising conducted by the bank during the 2008 financial crisis (one of The Lawyer's top cases of 2019 and 2020)

- **Libyan Investment Authority v Société Générale and others**

For SocGen in claims by the LIA in respect of allegations that it entered into structured investments as a result of bribery or intimidation by a third-party finder (one of The Lawyer's top cases of 2017)

## Civil Fraud

- **NMC v EY**

For EY in relation to a claim for USD 2.5 billion by the holding company of a Gulf-based healthcare group, arising out of a fraud allegedly perpetrated by its majority shareholders and senior management

- **PCP v Barclays [2021] EWHC 307 (Comm)**

For Barclays in substantial claims for alleged fraudulent misrepresentation arising out of a capital raising conducted by the bank during the 2008 financial crisis (one of The Lawyer's top cases of 2019 and 2020)

- **Pipia v BG UK**

For the UK holding company of Bank of Georgia, in relation to claims that it or its operating subsidiaries wrongfully deprived the claimant of the benefit of a business in Georgia (one of The Lawyer's top cases of 2021)

- **Holyoake v Candy and others**

For the Candy brothers and associated parties, in claims against them for alleged conspiracy and economic duress, arising out of a loan made by Christian Candy's CPC group to an individual (one of The Lawyer's top cases of 2017)

- **Libyan Investment Authority v Société Générale and others**

For SocGen in claims by the LIA in respect of allegations that it entered into structured investments as a result of bribery or intimidation by a third party finder (one of The Lawyer's top cases of 2017)

## Professional Negligence and Liability

- **NMC v EY**

For EY in relation to a claim for USD 2.5 billion by the holding company of a Gulf-based healthcare group, arising out of a fraud allegedly perpetrated by its majority shareholders and senior management

- **A v B and the FRC [2020] 1 WLR 3989, [2020] EWHC 1492 (Ch)**

For an audit firm in the Part 8 trial of claims and counterclaims of privilege issues arising from an FRC investigation into the audit of a major business

- **Cattles v PwC**

For PwC in relation to allegedly very substantial claims in relation to its audit of members of a financial services group (one of The Lawyer's top cases of 2015)

## Interim Remedies

- Interim injunctions, including particularly freezing injunctions and so-called “notification orders”: see e.g. **Holyoake v Candy** [2018] Ch 297; **Nomihold v MTS** [2011] EWHC 337 (Comm), [2011] EWHC 3456 (Comm); **Caldero v Beppler & Jacobson** [2012] EWHC 1609 (Ch)
- Applications for anti-suit and anti-anti-suit relief, including anti-arbitration relief: see e.g. **Nomihold v MTS** [2012] Bus LR 1289
- Applications for security for costs: see e.g. **Pipia v BGEO** (2021); **Holyoake v Candy** [2016] 6 Costs LR 1157
- Applications concerning use of documents subject to undertakings in respect of collateral use: see e.g. **PCP v Barclays** (2019); **Nomihold v MTS** (2013); **Caldero v Beppler & Jacobson** [2012] EWHC 1609 (Ch)
- Applications for Norwich Pharmacal relief, specific disclosure and third party disclosure: see e.g. **Pipia v BGEO** [2021] EWHC 86 (Comm); **Holyoake v Candy** (2016)
- Applications for pre-action disclosure: see e.g. **AssetCo v Grant Thornton** [2013] EWHC 1215 (Comm); **Cattles v PwC** [2011] All ER (D) 37 (Nov)
- Ser Kim Koi applications for retrieval of documents disclosed when said to be irrelevant: **Holyoake v Candy** (2016)
- Applications concerning admissibility of evidence: see e.g. **PCP v Barclays** (2019, 2020) **Holyoake v Candy** [2016] EWHC 2119 (Ch)
- Applications concerning confidentiality clubs and privacy orders: see e.g. **LIA v SocGen** [2016] EWHC 375 (Comm), [2015] EWHC 550 (QB)

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## What the Directories Say

*"His drafting is fantastic. Alexander is incredibly user-friendly and he brings a real maturity to his practice."* (Chambers & Partners 2024 - Banking & Finance)

*"He is the most efficient person, and is also incredibly responsive and super bright."* (Chambers & Partners 2024 - Commercial Dispute Resolution)

*"Alexander is calm and has the ability to read a judge - he assesses the situation rather than just ploughing on regardless."* (Chambers & Partners 2024 - Commercial Dispute Resolution)

*"incredibly bright, quick on his feet and really user friendly"* (Legal 500 2020)

*"very good, really thorough, extremely fast in his turnaround of work and just really clever"* (Chambers & Partners 2021)

*"excellent in every way"* (Chambers & Partners 2023)

*"a remarkable appetite for work, attention to detail and confidence, and all wrapped up in a super-bright personality. A pleasure to work with"* (Legal 500 2022)

*"supremely quick at dealing and responding to all issues in a masterful fashion. Alex is irreplaceable"* (Legal 500 2023)

*"a very effective advocate who has a really nice manner with the judiciary"* (Chambers & Partners 2023)

*"a polished court performer"* (Chambers & Partners 2023)

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## Education

MA History, Merton College, Oxford (First Class, second in university)

MPhil Roman History, Merton College, Oxford

Graduate Diploma in Law, Oxford Brookes (Distinction, top in university)

Bar Vocational Course, Inns of Court School of Law (Very Competent)

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## Other Academic Achievements

Lawson Mooting Prize 2005 (Inner Temple; best individual and winning team)

Law Department CPE Prize 2004 (Oxford Brookes University)

Major scholarships 2003, 2004 (Inner Temple)

Ancient History Prize 2003 (Oxford University)

Research studentship (Arts & Humanities Research Board)

Proxime accessit, Gibbs Prize in Modern History 2001 (Oxford University)

Arnold Ancient Historical Essay Prize 2000 (Oxford University)

Postmastership (Scholarship) (Merton College, Oxford)

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## Awards



# Contact Clerks



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