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Hermann Boeddinghaus
BSc (Cape Town), MA, BCL
(Oxon)

Called: 1996

Areas of Practice

Hermann Boeddinghaus specialises in company law, corporate and personal insolvency, banking and finance, professional negligence, and all aspects of civil fraud and asset recovery (where he has represented two Commonwealth States in major asset recovery claims against the families of former rulers, as well as liquidators, banks and others).

He has substantial litigation experience, and has a particular interest in cases involving allegations of complex financial fraud. In recent years he has also developed an extensive advisory practice, with an emphasis on company (and corporate insolvency) law.

Hermann's litigation practice is based principally in the Chancery Division, though he also regularly appears in the Commercial Court and the QBD. He is frequently instructed in High Court commercial disputes having a connection with Germany, acting either for or against German parties.

Cases of Interest

Recent cases include:

Cooper v PRG Powerhouse Ltd [2008] (ability to consolidate bank accounts for tracing purposes);

Expandable Ltd and another v Rubin [2008] (reference to documents in evidence no automatic waiver of legal professional privilege);

Lee v Osborne and others [2007] (takeover; duties of independent directors; breach of City Code constituting illegality and barring claim to relief);

Demick (Shipping) Limited v Gerald Edelman and others [2007] (administrators' personal liability for expenses; scope of administrators' immunity against claim for conversion; effect of retention of title provisions in an administration);

Re Transocean Equipment Manufacturing and Trading Ltd [2006] (majority creditors exercising voting powers for collateral purposes; Court's jurisdiction to restrain the removal of a liquidator);

Re Paradise Bet Limited [2006] (minority shareholder's petition; requirements for an effective O'Neill v Phillips offer);

Re Transocean Equipment Manufacturing and Trading Ltd [2005] (directors' duties; pooling scheme of arrangement between companies in liquidation; fraudulent trading);

Flüshöh GmbH & Co KG v Ford Motor Company [2005] (insolvency set-off);

Re Yates [2004] (transactions defrauding creditors);

Joint Liquidators of BCCI v Bank of America [2003] (fraudulent trading);

Republic of Pakistan v Zardari and others [2003] (tracing);

Federal Republic of Nigeria v Abacha and others [2002] (general asset recovery);

MRW Technologies Limited v Charter plc [2001] (contested M&A transaction; civil procedure);

Re EuroFinance Group Limited [2000] (minority shareholder's petition);

UPC v Deutsche Bank AG [2000] (investment banker's fiduciary duties; whether breach of confidence by investment banker giving rise to proprietary claims).

Publications

Contributing author to OUP's Annotated Companies Acts.

Contributing author to Butterworths Practical Insolvency.

Languages

German and French.

Professional

Hermann qualified in 1996 as a solicitor with Slaughter and May. While doing this, he taught Contract Law and Tort part time at Wadham College, Oxford and at the School of Law, King's College, London.

He is a member of the Chancery Bar Association, COMBAR, and the British South African Lawyers Association.

Notes

Born 1967. Married (4 children).

Educated University of Cape Town (BSc in Medicine) and Magdalen College, Oxford (MA Jurisprudence, BCL).

Hermann was a member of the prestigious *Studienstiftung des deutschen Volkes* (Germany's foremost scholarship foundation) while at Oxford, and a Kennedy Scholar of Lincoln's Inn.

Hermann is recommended in the current edition of the Legal 500 for Company Law, where he is described as "extremely user-friendly; thorough, with an excellent grasp of complex detail".