

Michal Hain

CALL: 2017

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Languages: German (native); Slovak (native); French (conversational)



Overview

Michal's broad commercial practice is evenly split between English courts and international arbitral tribunals. He acts in general commercial cases with an emphasis on complex multi-jurisdictional litigation. Michal is also experienced in specialised areas, including investor-state disputes, insurance, and insolvency.

In the legal directories, he is described as "*superbly gifted and a pleasure to work with*".

Michal is increasingly instructed to act as sole counsel, including in a one-week, high-value Commercial Court trial ([Albion v Heritage and another](#) [2022] EWHC 162 (Comm)). He also frequently works in larger teams, not least in appellate cases, where he draws on his experiences as a Judicial Assistant to Lord Reed, then Deputy President, and now President of the Supreme Court.

He was recently instructed in two Supreme Court appeals: [The CMA CGM LIBRA](#) [2021] UKSC 51 about the proper construction of the Hague Rules and [SAS v WPL](#) regarding the jurisdiction of the English court to prevent, by injunction, the enforcement of a foreign judgment that was inconsistent with a prior domestic judgment and inconsistent with domestic public policy (in which the appeal settled).

As a Judicial Assistant at the UKSC in 2018-19, Michal worked on a number of leading commercial cases, including [Vedanta](#) [2019] UKSC 20 (jurisdiction in the context of a parent company's liability for a subsidiary's torts), [Poole BC v GN](#) [2019] UKSC 25 (assumption of responsibility in tort law), and [Marex](#) [2020] UKSC 31 (reflective loss rule in company law).

Publications

- 'Court considers conflicting dispute resolution clauses in parties' agreements (Albion Energy v Energy Investments Global)' *Lexis@PSL* (24 February 2020).
- 'Past is Prologue – The Role of History in the Law of Equality' *UK Constitutional Law Blog* (9 January 2018).
- 'Guardians of the Constitution – the Constitutional Implications of a Substantive Rule of Law' *UK Constitutional Law Blog* (12 September 2017).
- 'Making Law Far Away From Kitchen Tables: Imposing Trusts Regardless of Formalities' (2014) 3 *Oxford University Undergraduate Law Journal* 55.

Education

- City Law School, BPTC (2017)
- Harvard Law School, LLM (2016)
- University of Oxford, BA in Jurisprudence, First Class (2015)

Prior to joining chambers, Michal taught contract and tort law at various Oxford colleges and, whilst at Harvard Law School, worked as a mediator in the Harvard Law School Mediation Programme, as a Student Attorney in the Harvard Prison Legal Assistance Project, and as a Judicial Intern in the Massachusetts Superior Court.

As a native German and Slovak speaker, Michal can work with original documents in German, Slovak and Czech.

Awards / prizes / scholarships

- First Prize in LCLCBA Jonathan Brock QC Memorial Essay Competition 2017
- First Prize in Property Bar Association Essay Competition 2016
- Peter Taylor Scholarship 2016 (Inner Temple) for the Bar Professional Training Course
- Highly Commended Prize in Law Reform Committee Essay Competition 2015
- Martin Wronker Prize 2015 (Oxford Law Faculty) for Best Performance in Tort
- Gibbs Prize Proxime 2015 (Oxford Law Faculty) for Second Best Performance in Contract, Tort, Land, Trusts
- Ruth Deech Prize 2015 (St Anne's College, Oxford) for Best Performance in Finals
- Ann Kennedy Scholarship (St Anne's College, Oxford) for Outstanding Academic Achievement
- Eli Carter Prizes 2013, 2014, 2015 (St Anne's College, Oxford) for Best Performance in First, Second, Third Year respectively

Example cases

- [The CMA CGM LIBRA](#) [2021] UKSC 51 (with Timothy Hill QC and Alex Carless) – Supreme Court appeal about the meaning of seaworthiness and the obligation to exercise due diligence under the Hague Rules.
- [Albion v Heritage and another](#) [2022] EWHC 162 (Comm) (as sole counsel) – One-week Commercial Court trial regarding a claim for more than \$6 million, which turned on the proper construction of a loan agreement as varied by a subsequent share purchase agreement.
- [MSC v Stolt and others](#) [2022] EWHC 835 (Admlty) (with Julian Kenny QC) – Counsel for the claimant seeking to limit its liability in accordance with the Limitation Convention. The two-day interlocutory application raised questions about the proper construction of the Convention and the availability of an anti-suit injunction to prevent the enforcement of a London arbitral award in other jurisdictions.
- [Falcon Trident Shipping v Levant Shipping](#) [2021] EWHC 2204 (Comm) (as sole counsel) – Trial in the LCCC about the proper construction of a settlement agreement that, in the Judge's words, raised "*questions of general interest as to the effect of a pre-action Part 36 offer, and as to the proper categorisation and recovery of fees that are incurred in investigating and securing a claim in another jurisdiction*" (at [3]).
- [Albion v EIGL](#) [2020] 1 Lloyd's Rep 501 – Counsel for the successful claimant in a case involving overlapping jurisdiction clauses and the defendant's attempt to use unfair prejudice as a set-off (with Lord Grabiner QC and Julian Kenny QC).
- *Re-Insurance Arbitration* (with Philip Edey QC and Susannah Jones) – Counsel for the claimant reinsured in a high-value dispute that included allegations of 'over-lining', non-disclosure and misrepresentation under the previous law and the duty of fair representation under the current Insurance Act 2015.

Recommendations

Michal has an exceedingly sharp mind, and he truly is a safe pair of hands. [The Legal 500 UK Bar 2024](#)

Michal is incredibly smart and always has the most relevant case, or excellent strategic suggestions on the tip of his tongue. [The Legal 500 UK Bar 2024](#)

Superbly gifted and a pleasure to work with. [The Legal 500 UK Bar 2022](#)