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Russell Hopkins

Year of Call: 2018

Practice Areas

- Civil Fraud
- Professional Liability
- Public International Law

Public Access

Undertakes Public Access work

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Experience

Russell is a sought after junior barrister with a busy practice specialising in business and human rights, collective redress, corporate liability, international criminal law and jurisdiction disputes.

Russell's practice lies at the intersection between civil and criminal wrongdoing with a strong international slant.

Before transferring to the Bar, Russell qualified as a solicitor in 2008, practising at Herbert Smith Freehills. He worked on large-scale commercial disputes and corruption cases, as well as claims and regulatory investigations in the wake of the 2008 financial crisis.

Russell was judicial assistant to Lord Collins and Lord Wilson at the UK Supreme Court in 2010-2011. He joined TGC as a tenant in 2021. He has extensive experience before international criminal tribunals, at trial and on appeal.

Notable recent cases include:

Viegas, Sanches and others v Cutrale and others [2021] EWHC 2956 (Comm) - acting for some 1,500 Brazilian orange farmers in a high-value damages claim against alleged cartelists (individuals and a corporate defendant) involved in the international orange juice export market. The defendants' jurisdiction challenge raised issues of domicile, service and/or whether the English claim should be stayed in favour of Brazil. The claimants successfully resisted the jurisdiction challenge by two of the three defendants.

Re Emissions litigation - acting on claims against multiple vehicle manufacturers, finance companies and car dealerships in claims related to the so-called diesel-gate scandal. The claims allege that vehicles contain unlawful defeat devices within the meaning of Article 5(2) of EC Regulation 2007/715.

Município de Mariana and oths v BHP Group Plc and BHP Group Ltd [2021] EWCA Civ 1156 - acting for more than 200,000 Brazilian claimants (including individuals, municipalities, businesses, utility companies, churches, and the indigenous

Krenak) in proceedings brought against BHP Group following the worst environmental disaster in Brazil's history, the collapse of the Fundão Dam in November 2015. The defendants are two public companies at the head of the corporate structure which owned and operated the dam. The defendants' jurisdiction challenge was heard in July 2020 and succeeded: [2020] EWHC 2930 (TCC). Permission to appeal has been granted on 15 grounds of appeal following a rare challenge to the refusal of permission to appeal pursuant to CPR 52.30.

Harcus Sinclair LLP and another v Your Lawyers Ltd [2021] UKSC 32 – acting for the successful appellant following the Court of Appeal's decision to discharge an injunction to prevent a law firm acting in group litigation concerning the Volkswagen emissions scandal. The appeal raised issues in respect of covenants in restraint of trade and the enforcement of solicitors' undertakings.

Appointments

- Crown Prosecution Service's General Crime Advocate Panel, Level 1
- List of Defence Counsel approved by the Registrar of the Residual Mechanism for Criminal Tribunals based in The Hague, The Netherlands, and Arusha, Tanzania (United Nations)
- List of Defence Counsel approved by the Registrar of the International Criminal Court in The Hague, The Netherlands.

Education

- LLM in Advocacy, Strathclyde University: Distinction (2013)
- Legal Practice Course, BPP Law School: Distinction (2005)
- Post-Graduate Diploma in Law, City University: Commendation (2004)
- BA, Keble College, University of Oxford: 2:1 (2003)

News

Publication of a Practitioners' Handbook on 'Civil Liability for Human Rights Violations'

27/10/2022

Barristers involved: Russell Hopkins

The handbook is intended to serve as a practical resource to help to assess when and how civil claims can be used as a tool to vindicate human rights in 19 jurisdictions. Against a backdrop of an increasing number of civil claims brought seeking redress for transnational human rights violations, the Handbook focuses on substantive legal rules governing civil liability.

The other jurisdictions covered are: Australia, Bangladesh, Canada, China, Colombia, France, Germany, Hong Kong, India, Malaysia, Mexico, the Netherlands, Russia, South Africa, Turkey, Ukraine, the United States, and Zambia.

Each report follows a uniform template. This starts with an overview of the jurisdiction and identifies key points relevant to

understanding the relevant civil liability framework. Part I addresses eight general questions concerning the law of civil remedies. The authors outline the applicable legal provisions and identify important developments. Part II analyses civil liability in a practical manner by applying the relevant legal principles to three hypothetical case studies.

The Handbook was edited by [Dr Ekaterina Aristova](#) and Professor [Catherine O'Regan](#), who set out an overview of the project in their [Editors' Introduction](#).

The project was funded by a grant awarded to the Bonavero Institute by the Oak Foundation.

Supreme Court Chamber Pronounces Judgment in Case 002/02

27/09/2022

Barristers involved: Karim A. A. Khan KC Andrew Cayley CMG KC Russell Hopkins Sebastian Bates
Members of Chambers were involved, in different capacities, in proceedings at the ECCC.

Karim A. A. Khan KC represented civil parties in [Case 001](#). His experience was briefly addressed in an [interview](#) with Counsel last year.

Andrew T. Cayley CMG KC was International Co-Prosecutor from 2009 to 2013. Earlier this year, he also discussed the ECCC in an [interview](#) with Counsel.

Russell Hopkins was a legal adviser to the Cambodian judges of the Trial Chamber.

In addition, Sebastian Bates, who has accepted an offer of tenancy on successful completion of pupillage, was an intern in the Trial Chamber.

The Court of Appeal unanimously allows the claimants' appeal in Município de Mariana and others v BHP

08/07/2022

Barristers involved: Russell Hopkins

In November 2020, BHP succeeded in striking out the claims in the High Court, on the basis that the case would be 'unmanageable'

Following 5-day hearing in April 2022, the Court of Appeal (Underhill VP, Popplewell and Carr LJ) unanimously allowed the claimants' appeal. The Court of Appeal also accepted the claimants' submissions and evidence in respect of various jurisdictions challenges advanced by BHP under Article 34 of the Brussels Recast Regulation and at common law.

The Court of Appeal's judgment includes important observations as to the conduct of large-scale group litigation in this jurisdiction and the 'constitutional right' of unhindered access to justice.

Russell Hopkins together with Alain Choo-Choy (One Essex Court), Nicholas Harrison and Jon McDonagh (both of Serle Court) acted for the claimants on their appeal, instructed by PGMBM.

The Court of Appeal's judgment is available [here](#).

For some of the related press coverage, see:

[The Guardian](#), [The Times](#), [The Financial Times](#)

Expert Group on Secondary Liability for International Crimes and Serious Human Rights Violations

16/06/2022

Barristers involved: Russell Hopkins

This important project aims to develop a legal framework, based on theory and practice, to determine the outer limits of secondary liability for international crimes and serious human rights violations. The project focuses on secondary liability in three areas of law: tort law, criminal law and State responsibility.

Court of Appeal hear appeal on Mariana Dam Disaster

08/04/2022

Barristers involved: Russell Hopkins

Today concludes the five day appeal in Mariana & Others v BHP Group Plc where [Russell Hopkins](#) has been instructed by PGMBM on behalf of the appellants.

You can view the publication at

<https://www.channel4.com/news/court-of-appeal-considers-5bn-lawsuit-over-brazils-mariana-dam-disaster>

TGC welcomes a new tenant to Chambers

02/12/2021

Barristers involved: Russell Hopkins

Russell has established a very impressive practice in the fields of business and human rights, group actions, corporate liability, international criminal law and jurisdiction disputes. He has experience of several trials and appeals at international criminal tribunals and is involved in a number of significant cases including the vehicle emissions litigation and Fundão Dam disaster litigation (Município de Mariana and others v BHP Group).