



Alexander Milner

Call date

2006

Practice Areas

Alexander Milner practises in all areas of commercial law. He is a fluent Russian speaker and has a strong interest in cases with a Russian / CIS dimension.

In 2010 he was identified by *The Lawyer* as one of the most talented and promising legal practitioners at work today, and described as being “well on his way to becoming a future star of the bar”.

He has particular experience of:

- Aviation
- Banking and Financial Services
- Civil Fraud
- Commercial Litigation and Arbitration
- Conflicts of Law and Jurisdiction
- European Law and Competition
- Insurance
- Private International Law
- Professional Negligence
- Sale of Goods and International Trade

Commercial Litigation

- *Berezovsky v. Abramovich*: Acting for Boris Berezovsky (led by Laurence Rabinowitz QC and Richard Gillis QC) in his multi-billion-pound claim against Roman Abramovich in relation to the ownership of Russian oil and aluminium assets.
- *Tajik Aluminium Plant v. Ermatov*: Acted (as junior to Brian Doctor QC, Paul Sinclair and Rosalind Phelps) on behalf of seven of the defendants and the Part 20 claimant in a US \$500m fraud claim concerning the operations of an aluminium smelting plant in Tajikistan. The case settled in the course of the trial.
- *BTA Bank v. Ablyazov*: Acted for the principal defendants (with Brian Doctor QC and Adam Tolley) in this US\$300m fraud claim by a state-owned Kazakh bank against three of its former senior officials. The decision of Teare J in relation to an application concerning the appropriate scope of a worldwide freezing order is reported at [2009] 2 CLC 967.
- *Kuros Biosurgery v. Baxter Healthcare*: Acted (with Charles Béar QC and Jemima Stratford QC) for Baxter in a contractual dispute with a Swiss biotechnology company concerning the development of a variety of new wound care products. The case settled shortly before trial.



- Acted (with Charles Béar QC) for a bank in litigation against a car insurance company concerning the bank's right to market a new insurance product underwritten by another insurer. The case settled shortly before trial.

Aviation

- Acting for a Russian airline (led by Bankim Thanki QC) in an LCIA arbitration relating to the leasing of a number of Boeing 737 aircraft.
- *ACG Acquisition XX v Olympic Airlines*: Acting for Olympic Airlines (with Philip Shepherd QC) in a dispute over a lease of a defective Boeing 737 aircraft. Successfully resisted lessor's application for summary judgement, as reported at [2010] 1 CLC 581.
- *Rooney v. CSE Bournemouth Ltd*: Acted for the defendant maintenance organisation in the Commercial Court and (with Akhil Shah QC) the Court of Appeal in a contractual dispute arising out of an accident to a Cessna Citation aircraft: [2010] EWCA Civ 1364.
- *Blue Panorama Airlines v. EuroAtlantic Airways*: Acted for a Portuguese airline (with Akhil Shah QC) in Commercial Court proceedings brought by an Italian airline in connection with a wet lease of a Boeing 767 aircraft. The case settled in the course of the trial before Steel J.
- *BAE Systems v. Enimex*: Acted for BAE Systems against an Estonian airline in the Commercial Court and Court of Appeal in proceedings arising out of the termination of an aircraft lease agreement.
- Acted for HSH Nordbank in proceedings arising out of the collapse of Air Comet, a Spanish airline.
- Acted for the Light Aircraft Association (with Akhil Shah QC) in High Court proceedings arising out of a fatal gyroplane accident.
- Provided written and oral expert evidence (with Sir Francis Jacobs QC) on issues of EC competition law in the aviation sector in two ICC arbitrations between major international airlines and a global distribution system operator.
- Regularly instructed to defend airlines in claims brought under the Montreal Convention 1999, Regulations EC 261/2004 and 1107/2006, and at common law, and to provide advice on issues relating to aviation insurance, leasing/financing and regulatory matters.

Banking and Financial Services

- *Smeaton v. Equifax*: Acting for the defendant to a £750,000 High Court claim arising out of an allegedly negligent credit reference.
- *Aldi Joinery Ltd v. Barclays Bank plc*: Acted for the Claimant company in High Court proceedings to recover substantial sums fraudulently withdrawn from its account by a third party.
- *Erste Bank v. Cleobury Ltd*: Acted (with Michael Brindle QC) for a London-based investor in Commercial Court proceedings against an Austrian bank concerning the enforceability of a share purchase agreement and an associated guarantee.
- Acted for a hedge fund in a dispute with a group of investment banks concerning the banks' entitlement to call in a €350m syndicated loan facility.
- Advised a Russian-based hedge fund in connection with a potential claim against a bond issuer for failing to redeem its securities.
- Advised certain investment funds on the interpretation of the FSA's Requirements for Collective Investment Schemes.



- Advised a foreign bank (with Simon Browne-Wilkinson QC) in connection with a restraint order affecting its accounts held with a correspondent bank in London.
- Advised a major financial services company (with Patricia Robertson QC) as to whether a proposed new product would constitute a contract of insurance for the purposes of the Financial Services and Markets Act 2000.
- Regularly instructed to appear in the High Court and County Courts in cases involving complex mortgage repossessions, enforcement of loans and guarantees, breaches of mandate, mistaken payments, charging orders and orders for sale. Also frequently acts for high street banks in County Court claims relating to consumer credit agreements, payment protection insurance and unauthorised overdraft charges.

European Law and Competition

- Gave written and oral expert evidence (with Sir Francis Jacobs QC) on EC competition law issues for the purposes of ICC arbitrations between two major European airlines and a global distribution system operator.
- Advised two non-European investment funds as to whether their shares constituted eligible investments for the purposes of a UCITS scheme within the meaning of Commission Directive 2007/16/EC (the Eligible Assets Directive).
- Advised a large French manufacturer (with Sir Francis Jacobs QC) on the lawfulness of a dawn raid conducted at its premises by the EC Commission.
- Advised a major financial services company (with Sir Francis Jacobs QC) on the compatibility of the proposed SEPA credit cards framework with Articles 81 and 82 of the EC Treaty.
- Advised a number of law firms (with Sir Francis Jacobs QC) as to the compatibility of the rules of an EC Member State's Bar Association with the EC Treaty.
- Advised a Czech bank (with Sir Francis Jacobs QC) as to whether a restructuring plan adopted by the Czech state constituted aid applicable after accession requiring review by the Commission under Article 88 of the EC Treaty.
- Assisted Sir Francis Jacobs QC in preparing expert evidence on behalf of two national governments on questions of EU law arising in the context of an ICSID arbitration and a dispute before the International Court of Justice.

Professional Negligence / Professional Indemnity Insurance

- Acting for and advising a number of mortgage lenders in connection with claims against conveyancing solicitors and valuers for losses sustained as a result of fraud or negligence.
- Advising a firm of auditors in Singapore in connection with a claim by the purchaser of a business for an alleged failure to provide information regarding the implications of the acquisition for its GST (VAT) liability.

Other

Regularly instructed to appear in the High Court and County Courts and to provide advice in relation to all kinds of contractual matters including consumer credit agreements and contracts for the sale and supply of goods and services.

Education



Fountain Court

- BA Modern and Medieval Languages, King's College, Cambridge (First class honours with distinction, first in university).
- CPE, City University (Distinction).
- BVC, Inns of Court School of Law (Outstanding).

Prizes & Scholarships

- Lord Mansfield Scholarship, Lord Bowen Scholarship, City University Scholarship, Hardwicke Scholarship, Shelford Scholarship, and Buchanan Prize (Lincoln's Inn)
- Winner of European Law Students' Association Moot Court Competition on WTO law held at the headquarters of the WTO in Geneva (representing City University).
- Mrs Claude Beddington Modern Languages Prize and Olga Youhotsky & Catherine Matthews Russian Prize (Cambridge University)
- Awarded scholarships (x2), Montague Barlow Prize for Modern Languages, Cooke Prize (King's College, Cambridge)
- Choral Scholarship (King's College, Cambridge)
- 1st King's Scholarship (Eton College)

Publications

- 'Regulation EC 261/2004 and "extraordinary circumstances"', *Air and Space Law* 34, no.3 (2009); 215-220
- Contributor to the Civil Procedure Reports (Sweet & Maxwell)

Other Experience

- Secondment to the aviation litigation department of DLA Piper (2009)
- Secondment to the banking and finance litigation department of Matthew Arnold & Baldwin (2007)
- Attended (by invitation) World Trade Institute summer programme in international economic law (Berne, 2006)
- Representing clients *pro bono* before employment and social security tribunals on behalf of the Free Representation Unit

Memberships

COMBAR

British-Russian Law Association

Russia and CIS Arbitration Network (executive committee member)

British Association for Sport and Law

Languages



Fountain Court

Fluent Russian and French
Good working knowledge of Italian

Interests

Alexander is an enthusiastic musician, having formerly studied choral conducting at the Rimsky-Korsakov Conservatory in St Petersburg. He frequently sings with professional London-based choirs. He also enjoys opera, theatre, literature, art, sport and travel.