



Fountain Court

Simon Browne-Wilkinson QC

Call:

1981

QC:

1998

Email:

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Practice Areas:

Simon Browne-Wilkinson QC has a commercial and civil practice, specialising in:

- All areas of commercial law;
- International Arbitration;
- Fraud;
- Professional Negligence;
- Employment;
- Banking;
- Private and Public International Law

Recommendations (Practitioners' Guides)

"Simon Browne-Wilkinson QC is applauded for his holistic approach to complex cases and his persuasive advocacy. He often handles cases where company law and fraud issues intersect, such as his advice on a claim of conspiracy, deceit and breach of fiduciary duties ..."

(Chambers & Partners 2010)

"Simon Browne-Wilkinson is an expert on injunctive relief and freezing orders. He is regularly briefed as he 'leads from the front and isn't afraid to tackle things head on.'"

(Chambers & Partners 2009)

" 'exceptional' ... many solicitors highlight him as being their first port of call due to his fantastic client handling skills, understanding of knotty fraud issues and his proactiveness."

(Chambers & Partners 2008)

"Simon Browne-Wilkinson QC is a powerful advocate, "particularly useful on a sticky wicket", according to solicitors. Peers lauded him for his "deft touch", whilst



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solicitors felt they could sit for hours listening to his mellifluous advocacy ... described by clients and solicitors as being “a joy to work with”.

(Chambers & Partners 2007)

Education:

BA Jurisprudence, Magdalen College, Oxford

Appointments:

Recorder

Admitted to the Bar of the British Virgin Islands

Recent Practice:

Arbitration

Very extensive experience of substantial international arbitration, including acting for Electronic Arts SA in an ICC arbitration relating to Italian distribution rights, the Government of India in an UNCITRAL arbitration pursuant to a Bilateral Investment Treaty against Bechtel, Enron and GEC relating to the Dabhol Power Plant, a Nigerian telecoms company in two arbitrations relating to a management agreement and call charges. Has also given evidence as an expert witness on English law in a Stockholm arbitration relating to an oil supply agreement, and as an expert on English Arbitration law in proceedings in India relating to an aircraft lease. Recent reported cases in the Commercial Court on the operation of the Arbitration Act 1996 include Econet Wireless Ltd v. Vee Networks Ltd (discharge of injunction granted to support an arbitration), Vee Networks Ltd. V. ESS (jurisdiction of arbitrators to consider a defence of set off), and Vee Networks Ltd v. EWI (award set aside on the grounds of unfairness in the conduct of an arbitration).

Banking & Finance:

Extensive experience in the law of banking. Reported cases include Lloyds Bank v. Rosset, Box and Others v. Barclays Bank, Israel Bank (in liquidation).

Chancery:

Extensive Chancery experience including land law; reported cases include Prestige Properties Limited v. Scottish Provident Institution (the operation of the Land Registration Act), and Lloyds Bank v. Rosset (constructive trusts and overriding interests).

Civil Fraud:

Specialises in civil fraud including, in particular, injunctive relief relating to allegations of fraud. In 2005 and 2006 obtained the discharge of search and seize



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and worldwide freezing orders on the ground of non-disclosure, and the discharge of an injunction preventing the completion of a billion dollar transaction on the ground of non-disclosure. In 2006 acted for a Nigerian telecoms company in a substantial arbitration concerning allegations of fraud and breach of fiduciary duty and in 2005 for the Government of India in a multi-million dollar arbitration against Bechtel, Enron, and GEC involving allegations of fraud. Between 2008 and 2010 advised and appeared in unfair prejudice and liquidator proceedings in the BVI arising out of the collapse of a hedge fund. In 2009 and 2010 instructed by the Secretary of State for Justice to advise and act in relation to a substantial claim for conspiracy to defraud. In 2010 acting and advising a Nigerian Bank in a claim for £750 million against its former managing director, and also acting and advising in VAT carousel fraud claim. Reported fraud cases include R. v. Central Criminal Court Ex.p Guney (House of Lords), Simon Engineering Plc v. Butte Mining, Ernst & Young v. Butte Mining, Hornsby v. Clark Kenneth Leventhal, GDVC v. Koshy, Box v Barclays Bank.

Commercial Litigation:

Wide experience of commercial litigation of all types.

Employment:

Extensive experience of employment law, including both in Employment Tribunals and the High Court. Particular expertise in the enforceability of restrictive covenants.

Partnership:

Has advised and acted in numerous partnership disputes, including arbitrations pursuant to partnership agreements.

Professional Discipline:

Past member of the Professional Conduct Committee of the Bar Council, and advises and acts in relation professional discipline of other professions including, in particular, accountants. Between 2008 and 2010 acted on behalf of the Accountants' profession in the complaints brought against Ernst & Young arising out of their audits of Equitable Life.

Professional Negligence:

Extensive experience in acting for both claimants and defendants in professional negligence actions, in particular relating to the professional negligence of solicitors and accountants. Acted for Freshfields in Paragon Finance Plc v. Freshfields (professional negligence and privilege).

Public International Law:



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Acted for the Government of India in multi-million arbitration pursuant to a Bilateral Investment Treaty, and has advised in relation to sovereign immunity issues.