



Fountain Court

Paul Sinclair

Call date: 1997

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Practice Areas:

Paul Sinclair has a broadly-based commercial litigation and arbitration practice with particular expertise in the following fields:

- Commercial litigation
- Arbitration
- Civil fraud
- Insurance and reinsurance
- Banking & finance
- Aviation
- Mediation

Recommendations (Practitioners' Guides)

Legal 500 (2003 -)

Chambers & Partners (2010 -)

Legal Experts (2003 -)

Paul is recommended in the fields of Commercial Litigation, Civil Fraud and Insurance and Reinsurance

Chambers UK 2012 (Commercial Litigation) comments:

“In demand for big-ticket litigation, Paul Sinclair is applauded for his ‘ability to conduct in-depth research and present its conclusions in a readable and readily understandable fashion’.”

And Chambers UK 2012 (Civil Fraud) comments:

“ ‘a hugely competent and hard-working professional’ who has acted in widely reported matters including the BTA Bank litigation. ‘Brilliantly clever and someone who offers amazing assistance to silks, he is an enthusiastic performer who clearly enjoys what he does’. “

Other comments about Paul in the legal directories in recent years include:

- ***“He doesn’t miss a trick, everything is meticulously researched.”***



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- ***“Articulate, intelligent and commercial”***
- ***“A strong intellect, a great capacity for in-depth research and excellent presentational skills”***
- ***“Incredibly clever”***
- ***“Extremely bright, very well organised and proactive, plus a first rate draftsman”***

Professional Experience

Paul has acted in some of the major **commercial** disputes in recent years including the *Berezovsky v Patarkatsishvili* litigation, *Kuwait Airways Corporation v Iraqi Airways Company*, *Northshore Ventures v Anstead*, *JSC BTA Bank v Ablyazov*, *Tajik Aluminium v Ermatov*, *President of Equatorial Guinea v Logo*, and the *TAG Group Litigation*. He regularly appears as an advocate and as junior counsel before the High Court, Court of Appeal and Supreme Court as well as other tribunals acting both as sole counsel and as part of a larger team of barristers. He also carries out a wide variety of advisory work.

As well as specialising in **insurance and reinsurance**, Paul has particular expertise in questions of **guarantees, non-justiciability/immunity** and **economic torts** (a subject on which he frequently lectures). He also has considerable experience of **group litigation** including the *TAG litigation* and the *Claims Direct* litigation.

Paul has in recent years worked on a number of leading **Russian and CIS-related** litigation including the *Berezovsky* litigation, the *Northshore* claim, the *TadAZ* litigation, *JSC BTA Bank v Ablyazov* as well as confidential commercial arbitrations involving CIS-based parties.

In addition, Paul has wide experience of other areas of **arbitration, banking and finance** and **aviation**. He is also a CEDR qualified **mediator** who has participated in mediations both for the parties and as assistant mediator. This has included direct involvement in 8 days of mediation leading to the successful resolution of the *TAG Group Litigation* in which hundreds of parties were involved.

Recent Practice:

The following is a summary of Paul’s most recent cases

Commercial Litigation and Civil Fraud

Berezovsky v Patarkatsishvili (2009-ongoing)

A number of separate actions worth in excess of US\$1 billion proceeding in the Chancery Division. Issues raised involved breach of trust and fiduciary duty, Russian law, private international law and complex factual issues. Procedural issues to date include freezing orders, search and seizure orders and jurisdiction disputes.



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Kuwait Airways Corporation v Iraqi Airways Company and others (2011 – ongoing)

Paul acts for the Iraqi parties in this long-running litigation arising out of the destruction of aircraft during the first Gulf War. The current action concerns an attempt by KAC to enforce its US\$1.2bn judgment against the Republic of Iraq and certain Iraqi ministries. The claim involves issues of jurisdiction and immunity from adjudication and enforcement.

North Shore Ventures Limited v Anstead Holdings Inc and others [2011] EWCA Civ 1634

Claim concerning liability of guarantors in respect of US\$50 million loan including, in particular, the scope of the creditor's obligation of disclosure to prospective guarantors and the validity of certificates under the guarantee. The judgment of the Court of Appeal resolves many issues in this significant area.

Jet 2.com v Blackpool Airport [2011] EWHC 1529 (Comm)

Commercial court claim concerning obligation of airport to remain open to accept flights by claimant airline outside its normal operating hours.

Dr Oetker v Renshaw Napier (2011)

Chancery court action concerning termination of trademark licenses relating to marzipan, icing and other sugar products. Settled shortly before trial.

WR Technology v Manor Grand Prix Racing (2011-ongoing)

Dispute about motor racing design arising out of termination of contract by Virgin Racing team.

IPT Power Technologies v HITS Telecom (2010-ongoing)

Commercial Court action concerning contracts for the provision of mobile phone technology in Equatorial Guinea.

JSC BTA Bank v Ablyazov and others (2009-2010)

Very substantial claim by Kazakh Bank against former directors and employees raising issues of Kazakh and Russian law and complex fraud issues.

Party A v Party B (2009-ongoing)

Substantial claim by a CIS bank against debtor proceeding in confidential arbitration.

Tajik Aluminium v Ermatov and others (2005-8)

US\$500 million multi-party fraud dispute concerning aluminium smelter in Tajikistan. Raised issues of justiciability, Russian Law, Tajik Law, private international law together with complex issues of bribery and fraud.

Tajik Aluminium v Hydro [2005] EWCA Civ 1218, [2006] 1 WLR 767 (CA)

Satellite litigation relating to Tajik Aluminium v Ermatov concerning witness summonses in aid of arbitral proceedings (2005)

Europ Assistance v Temple [2007] EWHC 1785 (Comm)

Claim by insurance company against underwriting agency in respect of authority under binding authority agreement sub-delegated to coverholders (2007-8)

President of Equatorial Guinea v Logo Limited and others [2005] EWHC 2034 (QB) [2006] EWCA Civ 1370 (CA)

Claim relating to alleged coup in Equatorial Guinea. Case concerned complex issues of non-



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justiciability and fundamental aspects of economic torts. Successful at first instance and at Court of Appeal. Case settled mid-way through hearing in House of Lords. (2005-8)

Great Wealth Telecom v Simtel and others (settled)

Complex international claim involving allegations of conspiracy and procuring breach of contract in timing of receivership (2005-8)

Lexington v Tarlo Lyons and others (settled)

Commercial Court claim involving allegations of conspiracy, deceit and procuring breach of contract against a partner and his firm in connection with Flashpoint film finance (2005-6)

Lawrence v Investec and Basra v Investec

Group action by shareholders following collapse of Claims Direct against Sponsor of IPO for alleged deficiencies in the Prospectus. Raised issues as to liability of sponsors and professional negligence (2004-8)

Moneygram v Travelex

Breach of confidentiality and restrictive covenants (2003)

Insurance & Reinsurance

Advisory work and litigation in wide variety of large and small insurance and reinsurance disputes including:

Party A v Party B (2011-ongoing)

Confidential insurance arbitration raising issues of misrepresentation and non-disclosure

Party C v Party D (2011)

Confidential arbitration relating to construction of ATE insurance policy

Wilky Group v Canopus Capital Limited and others (2010)

Claim against insurers and/or broker in relation to liability in execution of professional activities

GUK Broking Services Limited v Philip Catteral (2010)

Breach of warranty and conspiracy claim arising out of sale of independent specialist insurance intermediary

The Accident Group ('TAG') litigation (2006-8)

Junior counsel to David Railton QC for Europ Assistance Insurance in group litigation against large numbers of panel solicitors arising out of failure of The Accident Group. Claim for return of unlawful referral fee and damages for professional negligence. Raises issues of multiparty litigation, professional conduct, professional negligence, regulatory issues and subrogation

Europ Assistance v Temple [2007] EWHC 1785 (Comm)

Claim by insurance company against underwriting agency in respect of authority under binding authority agreement sub-delegated to coverholders

HSB Engineering Insurance Limited v Fauji and others (2005-6)

Counsel for insured in insurance dispute in Commercial Court and TCC concerning construction of electricity generating power station in Pakistan



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Cinerenta (2005-6)

Counsel for insurers in three film finance disputes in Commercial Court

Carvill v Camperdown (2005)

Junior counsel for reinsurers in Commercial Court dispute concerning incidence of liability for brokerage on reinsurers or reinsureds

Sphere Drake v Nationwide General Insurance Company (2004)

Junior counsel on insurance and reinsurance dispute in arbitration and in Commercial Court

Axa v Camperdown (UK) Limited and London and Edinburgh (2004)

Junior counsel on insurance and reinsurance dispute in Commercial Court

Hollywood Realisations Trust v Lexington Insurance Company and others (2001-3)

Junior counsel for Lexington Insurance Company in the Flashpoint film finance litigation

Involvement in subsidiary litigation arising out of above in this jurisdiction and in the USA including assistance with RICO proceedings in US District Court of Pennsylvania (2004)

Involvement in a large number of confidential reinsurance and insurance arbitrations and/or in confidential pre-litigation advisory work including in relation to ARIAS arbitrations; advice to capital provider of funds at Lloyd's on application of reinsurance recoveries; proposed dispute in Commercial Court concerning professional indemnity insurance; dispute concerning reinsurance recoveries; confidential arbitration concerning compliance with premium payment condition; confidential dispute as to liability of insurer for brokerage where policy placed directly with insured and many others.

Arbitration

Considerable experience of involvement in numerous insurance and reinsurance and other commercial arbitrations including ICC, LCIA and ARIAS arbitrations. Disputes have involved insurance and reinsurance, supply agreements and joint venture agreements.

Recent arbitrations have included as sole counsel in LCIA arbitration for CIS entity arising out of US\$10 million guarantee, sole counsel in ICC arbitration arising out of €10 million SPA and junior counsel in US\$20 million ICC arbitration.

Banking & Finance

Acted for (and against) clearing banks in a wide variety of cases. Subject matters include cheque conversion, breach of mandate, bailment and a variety of disputes concerning the enforceability of securities, including guarantees and mortgages. Recent cases include:

North Shore Ventures Limited v Anstead Holdings Inc and others [2011]EWCA Civ 1634

Claim concerning liability of guarantors in respect of US\$50 million loan including, in particular, the scope of the creditor's obligation of disclosure to prospective guarantors and the validity of certificates under the guarantee.



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Civil Fraud

Paul has considerable experience of acting and advising in connection with claims involving civil fraud, including breach of fiduciary duty, deceit, bribery, dishonest assistance, knowing receipt and equitable remedies. He has significant experience of obtaining freezing injunctions and other interim relief in the context of civil fraud claims. Recent examples of his work in this area include a number of large-scale actions in the Commercial Court including *Berezovsky v Patarkatsishvili litigation*, *Northshore v Anstead*, *JSC BTA Bank v Ablyazov*, *Tajik Aluminium Plant v. Ermatov* and *Intermet v Ansol*.

Professional Negligence

Paul has acted for and against a wide range of disciplines including solicitors, valuers, accountants, sponsors, underwriting agents, architects and others.

Aviation

Recent cases include:

***Jet 2.com v Blackpool Airport* [2011] EWHC 1529 (Comm)**

Commercial court claim concerning obligation of airport to remain open to accept flights by claimant airline outside its normal operating hours.

***Carter v Atlas Helicopters* (2010-ongoing)**

Fatal accident claim arising out of helicopter crash

Paul has also been involved in advising airlines on a variety of issues including in relation to challenging CAA decision, volcanic ash claims, aircraft engine leases and others.

Mediation

Paul is a CEDR qualified mediator and has been involved in mediations in an advisory and participatory capacity as well as acting as assistant mediator.

Publications:

Contributor to *Insurance and Reinsurance Law Briefing and International Banking and Financial Law*

Contributing Editor of *Commercial Court Procedure* (Sweet & Maxwell)

Contributor to Bullen & Leake & Jacob's *Precedents of Pleadings* on aviation precedents (Sweet and Maxwell)

Joint author, *Carriage by Air* (Butterworths)

- [The "Aviation" section in Bullen Leake & Jacob's Precedents of Pleadings](#)

Other Experience:

Director of Fulham Legal Advice Centre



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Education:

M.A Cambridge (First Class Honours)
LL.M Harvard (Magna cum laude, equiv.)
ICSL (Outstanding)

Prizes & Scholarships:

Variety of University prizes including:

Sweet and Maxwell Prize (for highest First in Law in University),
Schuldman Plate (for best overall graduate of Caius College),
Scholar's Prize (x3), Sir William McNair Law Prize (x2) and George Long Prize.

Variety of Bar prizes including Barstow Scholarship, Middle Temple Certificate of Honour, Queen Mother Scholarship, Harmsworth Entrance Exhibition

Other Qualifications:

CEDR Accredited Mediator