



Michael Brindle QC

Call 1975 | Silk 1992

"He is very sharp and strong in his analysis, confident in his conclusions and provides great directions and leadership."

The Legal 500, Asia Pacific

 mjb@fountaincourt.co.uk  +44 (0)20 7583 3335

Michael Brindle QC sits as an arbitrator in major arbitration disputes.

His truly international practice sees him active in London, Dubai, Abu Dhabi, Kuala Lumpur and Singapore. He has experience of a wide range of arbitral regimes, including those under the auspices of the International Chamber of Commerce, the London Court of International Arbitration, Singapore International Arbitration Centre and UNCITRAL as well as ad hoc references.

Michael has a strong reputation as an arbitrator in relation to Asian and Middle Eastern disputes in particular. He has been involved a great number of Asian disputes, centred in the Singapore International Arbitration Centre (SIAC) for whom he is a regular party-appointed arbitrator. He is also specialised in arbitrating Russian and CIS disputes.

Recent Highlights

First Dommoo v Petronas

Claim for half a billion dollars, relating to oil in the sea off of Brazil.

ENKA v Chubb

A topical case running parallel to Commercial Court litigation which reached the Supreme Court in July 2020.

Noomadi Resorts & Residences AG (Liechtenstein) v The Ministry of House & Infrastructure on behalf of the Government of Maldives (PCA)

Dragon Oil v United Petroleum (LCIA)

Eurochem Trading GMBH (Switzerland) v Dreyamoer Fertilisers Overseas PTE Limited (ICC)

Expertise

Administrative & Public Law

Reported Administrative & Public Law cases

FSA v C (2013)

Judicial review of FSA.

Bank Mellat v HM Treasury & European Council (2012-2013)

Public law and Iranian sanctions in London and Luxembourg courts.

British Bankers Association v FSA (2011)

Mis-selling as judicial review.

Sunlife v Securities & Investment Board (1995)

Judicial review – financial services.

Banking & Finance

Michael Brindle QC, described as “first-class advocate who has stunning legal insight” and an unparalleled knowledge of banking law”, is widely experienced in Banking & Finance.

Reported Banking & Finance cases

Al-Khorafi v Bank Sarasin (2014-2015)

Investment advice in Dubai.

Riyadh Bank v AHLI Bank (2006-2007)

Islamic financing.

Springwell v JP Morgan Chase (2007)

Emerging markets investment.

IXIS v WestLB (2008)

Securitisation.

HSBC v Fortis (2004)

Mutual Funds in the Bahamas.

Barclays Bank v Boulter (1999)

Banking and sureties in the House of Lords.

Czarnikow-Rionda v Standard Bank (1999)

Letters of Credit and fraud.

Northern Rock v Archer (1998)

Banking and sureties.

Nuova Safim Spa v The Sakura Bank Ltd (1997)

Derivatives.

BCCI v Price Waterhouse & Bank of England (1997)

Interpretation of Banking Act 1987 – Chancery.

Camdex v Bank of Zambia (3) (1997)

Garnishee orders and a central bank in the House of Lords.

Camdex v Bank of Zambia (1) & (2) (1996)

Champerty and mareva injunctions involving a central bank.

Notable Banking & Finance cases

Al-Khorafi v Bank Sarasin (2014-2015)

Instructed as lead counsel in a claim by a substantial investor against a leading Swiss private bank working in the Middle East, heard in the DIFC Courts.

Bank Mellat v European Council (2012)

By the general court of the ECJ review of closing down of Iranian Bank.

Bank Mellat v UK Treasury

Supreme Court review heard March 2013.

Beresovzky v Hine & Others

Instructed as lead counsel in the multi-billion-dollar Russian oligarch action arising out of an alleged joint venture.

Renaissance Capital Ltd v African Minerals Ltd

Instructed as lead counsel on an ongoing dispute involving claims in relation to success fees under investment banking engagement letters regarding an iron ore mine in Sierra Leone.

Retained as an expert on English law in US proceedings arising out of a collective investment scheme.

Lehman Brothers Inc

Acting for the US broker dealer in various applications in the administration of Lehman Brothers International Europe, including determination of ownership of dematerialised securities purchased by LBIE for LBI through European clearing systems.

Re: Alba Plc & Re: Grand Plc

Instructed in two cases as lead counsel on behalf of trustees in substantial disputes arising out of a high value securitisation transaction.

Parabola v MF Global (2009)

Equity and derivative trading.

Springwell v JPMorgan Chase

Emerging markets investment through banks.

Riyad Bank v Ahli Bank

Dispute concerning Islamic finance.

Al-Khorafi v Bank Sarasin (2014-2015)

Investment advice in Dubai.

IXIS v WestLB (2008)

Securitisation.

Springwell v JP Morgan Chase (2007)

Emerging markets investment.

Riyadh Bank v AHLI Bank (2006-2007)

Islamic financing.

Civil Fraud

While practising as counsel, Michael was described as a “very good practitioner, he is extremely clever and has a good tactical approach to litigation”. He was deemed “intellectually powerful in and an obvious choice for difficult and large frauds”.

Reported Civil Fraud cases

Kazakhstan Kaghazy v Zhunus and Arip (2014-2015)

Conspiracy to defraud.

Novoship v Mikhaylyuk (2014)

Bribery and account of profits.

Fiona Trust v Skarga and Nikitin (2013)

Bribery and foreign law.

Parabola v MF Global (2009)

Fraud of stockbroker.

Czarnikow-Rionda v Standard Bank (1999)

Letters of Credit and fraud.

Notable Civil Fraud cases

Acting for investors in relation to claims of fraudulent misrepresentation arising from the sale of shares in a Canadian resources company investing in Kazakh natural resources.

For the defendants in claims brought in the Chancery division by shareholders alleging that the sale of their shares had been procured by fraudulent misrepresentation and conspiracy to injure.

Fairfield Sentry Limited (2011) BVI

Ponzi scheme and unjust enrichment.

Shah v HSBC (2009-2011)

Money laundering.

Commercial Crime

Reported Commercial Crime cases

Novoship v Mikhaylyuk (2014)

Bribery and account of profits.

Bank Mellat v HM Treasury & European Council (2012-2013)

Public law and Iranian sanctions in London and Luxembourg courts.

Berezovsky v Abramovich (2009)

Intimidation.

Shah v HSBC (2009)

Money laundering.

Commercial Disputes

Michael Brindle is regarded in the commercial market as a “class act whose name and reputation speaks for themselves” and has been described as “effective in litigation and arbitration”.

Reported Commercial Disputes cases

Peak Hotels v Tarek and Sherway (2014)

Shareholder dispute relating to Aman Hotel group.

Roadchef v Ingram Hill (2014)

Trustee powers and liabilities.

Fiona Trust v Skarga and Nikitin (2013)

Bribery and foreign law.

Berezovsky v Abramovich (2009)

Intimidation.

Charter PLC v City Index (2007)

Contribution of constructive trusts.

Camdex v Bank of Zambia (1) & (2) (1996)

Champerty and mareva injunctions involving a central bank.

Cala Cristal v Al-Borno (1994)

Mareva injunction – costs.

Deposit Protection Board v Dalia (1993)

Depositor compensation in the House of Lords.

Re Bishopsgate Investment Management (1993)

Constructive trust.

Notable Commercial Disputes cases

Fiona Trust v Skarga & Nikitin (2013)

Bribery and foreign law.

Berezovsky v Abramovich (2009)

Intimidation.

Charter PLC v City Index (2007)

Contribution of constructive trusts.

Fiona Trust Litigation

Instructed as lead counsel in the Court of Appeal on behalf of Russian ship operators Sovcomflot and Novoship.

Bank Saras

Lead counsel in a claim by a substantial investor against a bank, heard in the DIFC Courts.

Appointed as expert in substantial commercial litigation proceedings; providing expert evidence in the courts of Delaware.

Appointed as an expert on English law in US proceedings on behalf of Morgan Stanley.

Spacetel Limited [2011] Cayman Islands

Instructed as lead Counsel in a claim in the Cayman Islands for more than \$200 million concerning a shareholder dispute regarding a mobile telecommunications project in the Middle East.

Re Leedon Limited

Contract, company and insolvency law in Mauritius.

JP Morgan v Springwell

Instructed as lead counsel in the claim arising out of investment advice on the sale of emerging market debt instruments to a private investment company; the case raised a number of important legal issues in the context of investment advice claims.

State of Brunei v Jefri

Apparent or actual bias of judge. Breach of trust.

British Gas v Eastern Electricity

Commercial contract – consent to assignment.

Marks & Spencer v William Baird

Certainty in contract and estoppel by convention.

Charter Plc v City Index

Contribution and constructive trust.

Appointed as an expert in US proceedings on behalf of Bank of New York.

Commercial Disputes - Judicial Review

Notable Commercial Disputes - Judicial Review cases

British Bankers Association v FSA

Instructed for the Financial Services Authority in the British Bankers Association's claim for judicial review of rules and guidance for handling complaints about the sale of payment protection insurance.

The Queen on the application of C v Financial Services Authority

Judicial Review of FSA disciplinary action in the Court of Appeal.

Company, Restructuring & Insolvency

Reported Company, Restructuring & Insolvency cases

Peak Hotels v Tarek & Sherway (2014)

Shareholder dispute relating to Aman Hotel group.

Lehman Brothers Inc (Rascals) (2010)

Insolvency of associated companies.

Re Mid-East Trading Limited (1997)

Winding-up of foreign company – Chancery.

Financial Services

Reported Financial Services cases

FSA v C (2013)

Judicial review of FSA.

British Bankers Association v FSA (2011)

Mis-selling as judicial review.

v FSA ex parte Yu:kos (2006)

Regulation of foreign companies issuing in London.

Customs & Excise v Barclays Bank (2003-2006)

Freezing injunction and duty of care in the House of Lords.

BCCI v Price Waterhouse & Bank of England (1997)

Interpretation of Banking Act 1987 – Chancery.

Central Bank of Trinidad & Republic Bank Limited (1996)

Bank regulation – Trinidad.

Sunlife v Securities & Investment Board (1995)

Judicial review – financial services.

Mellstrom v Bank of England (1995)

Banking regulation.

Shah v Bank of England (1994)

Banking regulation.

Insurance

Notable Insurance cases

Instructed as lead counsel in an insurance dispute arising out of a mortgage endowment mis-selling.

Acting for insurers in connection with claims arising out of the collapse of Enron.

Morgan Grenfell v SACE

Export credit insurance and Italian law.

Credit Lyonnais v New Hampshire Insurance

Insurance contract – Governing law.

Capel-Cure Myers v McCarthy

Insurance policy construction Lloyd's market.

International Arbitration - As Arbitrator

Michael Brindle QC, described as “really at the top of his game”, sits as an arbitrator and has experience in a wide range of arbitral regimes, including those under the auspices of the International Chamber of Commerce, the London Court of International Arbitration, SIAC and UNCITRAL, as well as ad hoc references.

In addition, Michael is currently acting as arbitrator in several on-going SIAC arbitrations, but details of these cases cannot be given for reasons of confidentiality.

Notable International Arbitration - As Arbitrator cases

First Domm v Petronas

Claim for half a billion dollars, relating to oil in the sea off of Brazil.

ENKA v Chubb

A topical case running parallel to Commercial Court litigation which reached the Supreme Court in July 2020.

Noomadi Resorts & Residences AG (Liechtenstein) v The Ministry of House & Infrastructure on behalf of the Government of Maldives (PCA)

PT Cahaya Mulia Energy Konstruksi v China National Technical Import & Export Corporation (SIAC)

Powerchina Resources (Singapore) Holding PTE Limited v Multi-Gold SSDK Resources PTE Limited (SIAC)

Apollo Towers Myanmar Limited v Telenor Myanmar Limited (SIAC)

Dragon Oil v United Petroleum (LCIA)

Eurochem Trading GMBH (Switzerland) v Drey Moor Fertilisers Overseas PTE Limited (ICC)

International Arbitration - As Counsel

While Michael acts solely as arbitrator now, his background as counsel has enabled him to act in many high-profile and significant arbitrations.

Reported International Arbitration - As Counsel cases

OMV v Zaver (2015)

Arbitration clash between Pakistan and ICC.

Jivraj v Hashwani (2010)

Arbitrators as discrimination.

KAFCO v Trans-ammonia (1998)

Arbitration – restraint of trade.

Notable International Arbitration - As Counsel cases

Hashwani v Jivraj (2010-11)

Successfully representing the claimant in the Court of Appeal, where the court made a ruling that to object to an arbitrator on the grounds of race or religion was illegal. The case concerned a multi-million-pound dispute between two Pakistani businessmen who had entered in a JV agreement. The contract contained a clause that stated that any arbitration should be decided by an arbitrator who was an Ismaili Muslim.

Econet v VEE Networks

Instructed on behalf of the shareholders in a substantial Commercial Court application to set aside an injunction which had been obtained ex parte pursuant to s.44 of the Arbitration Act 1996 in support of an intended arbitration in Nigeria. The injunction was set aside on the grounds of lack of jurisdiction, misrepresentation and non-disclosure and costs were awarded on an indemnity basis.

Weissfisch v Julius & Ors

Appearing in the Court of Appeal which involved an application by a party to an arbitration agreement to remove the arbitrator or to enjoin him from continuing the reference.

Instructed as lead counsel for an Indian Oil Corporation, in 2009 under ICC Rules in relation to the effect of force majeure on fob contracts.

Instructed as lead counsel in a dispute relating to the restrictions on US citizens doing business in Iran under the ICC rules.

Instructed as lead counsel in a dispute relating to the restrictions on US citizens doing business in Iran under the ICC rules.

Acting in a major clearing bank in a LCIA arbitration over defects in processing systems for credit and debit card transactions.

Defending a £50 million claim brought by arbitration by a major bank against insurers arising out of mortgage endowment mis-selling by the bank.

Instructed as lead counsel in a major financial insurance arbitration matter. The team acted for the insurers under policies of financial insurance exposed to multi-million-pound claims arising out of the collapse of Enron and advised extensively on legal issues and strategy concerning prospective arbitration proceedings.

Sheffield United FC v West Ham United FC

Acting for West Ham United in arbitration proceedings under Football Association rules. The matter concerned a dispute originating with the signing of football players Carlos Tévez and Javier Mascherano, who joined West Ham in 2006, and the relegation of Sheffield United as a result of a disciplinary investigation concerning third-party agreements in the players' contracts.

Media, Entertainment & Sport

Reported Media, Entertainment & Sport cases

Football Association v Graham (1995)

Sports Law.

Offshore

Notable Offshore cases

HSBC v Fortis (2004)

Mutual Funds in the Bahamas.

Central Bank of Trinidad & Republic Bank Limited (1996)

Bank regulation – Trinidad.

Professional Negligence

Michael Brindle QC was described as standing “head and shoulders above the majority of the market” and his

professional negligence experience extended to all areas of financial and commercial matters.

Reported Professional Negligence cases

Stone & Rolls v Moore Stephens (2008)

Auditor's negligence.

Notable Professional Negligence cases

Acting for Close Brothers Corporate Finance in defending a claim for £180 million by UGC.

Stone & Rolls v Moore Stephens (2009)

Auditors' negligence in the House of Lords.

Barings v Coopers & Deloitte

Auditors' negligence.

Bank Austria v Price Waterhouse

Auditors' negligence.

Pointwest Litigation - BBL v Simmons & Simmons

Solicitors' negligence and banking practice.

Morgan Crucible Co Plc v Hill Samuel

Professional negligence and City institution.

Caparo v Dickman

Leading case on duties of auditors.

Directory Quotes

"A well-known and competent arbitrator."

Chambers & Partners

"An undisputed giant of the commercial litigation Bar, Michael Brindle QC has a wealth of experience in handling the most complex and high-value matters in courts around the world, with a particular focus on disputes involving the banking and financial services sector."

Chambers & Partners

"He is clear in his thinking", says one appreciative source, "and he has all the experience in the Stars at the Bar world, enabling him to decide with ease and clarity if a point is good or bad." His reputation is such that he is the first-choice counsel for a large number of magic circle firms, and is regularly instructed in the most complex and high-profile of cases."

Chambers & Partners

"He takes a very commercial overview and tries to cut to the commercial heart of things." "A lovely silk with a superb practice."

Chambers & Partners (International Arbitration)

"Has an established reputation in the sector and is often appointed as arbitrator or instructed as counsel. He is experienced in bringing matters before the Supreme Court, and he has an active practice in both the London and Singapore markets."

Chambers & Partners, Global (International Arbitration)

"He's an extremely experienced and eminent advocate. He is excellent and has a very assured touch in court." "He is a leader in his field and is highly respected. In terms of his ability to think around the problem and present solutions, he's very good."

Chambers & Partners, Global (International Arbitration)

"A leading silk when acting as arbitrator and counsel. He wins acclaim from commentators for his consistent excellence and deep expertise." "He is well recognised and is always top-notch."

Chambers & Partners (International Arbitration)

"Very practical and pragmatic approach is particularly highlighted by sources, and he is experienced as both an advocate and an arbitrator."

Chambers & Partners (International Arbitration)

"Silk that needs no introduction", "his consistency, efficiency and directness", "have won him many admirers over the years and he is today as popular as he's ever been."

Chambers & Partners (Financial Services)

Directory Rankings

The Legal 500 – Asia Pacific

- The English Bar – Commercial: Leading Full-Time Arbitrators (Tier 1)

Education

- First Class Hons Jurisprudence (1974)
- First Class Hons Classics (1972)
- Entrance Scholarship (Ella Stephens)
- MA, New College, Oxford
- Westminster School

Memberships

- Member, Panel of Advisors to the Attorney-General of Singapore (2015-)
- Chairman of International Committee of the Bar Council (2008)
- Chairman of Education & Training Committee of the Bar Council (2004)
- Head of Chambers (2003-2008)

- Former Recorder of the Crown Court (2001)
- Deputy High Court Judge (1999)
- Part-Time Lecturer at New College, Oxford – Jurisprudence (1976-1982)
- Bencher of Lincoln’s Inn
- Chairman of Advisory Council of “Public concern at work”
- Director of Bar Mutual Indemnity Fund Ltd
- Appointed to the SIAC, and Kuala Lumpur Panels of Arbitrators (Singapore & Malaysia)
- Appointed to the DIFC Courts Register of Practitioners (Dubai)
- President of the Appeals Panel of the Abu Dhabi Global Market
- Former Chairman of the Commercial bar Association
- Former Chairman of Bar Council Education and Training Committee and International Committees
- Former Chairman of Trustees of “Public Concern at Work”
- Former member of Financial Reporting Review Panel
- Special advisor to Trade & Industry Select Committee re “Export Licensing and BMARC”
- Member of Lawyers’ Advisory Committee of Peace Brigades
- Member of Financial Markets Law Committee

Publications

- “The Vienna Sales Convention and the capital markets” in *Capital Markets Law Journal* (2008)
- “The Law of Bank Payments” with Raymond Cox QC: *FT law and Tax* (1996) (Fourth Edition 2010)
- “Confidence, Public Interest and the Lawyer” published in *Legal Ethics and Professional Responsibility* by Ross Cranston (1996)
- “Money Laundering and the Criminal Justice Act 1988”: *International Tax Report* May 1995 and *Tolley’s International Tax Planning* (1996 and 2001)
- “Does Constructive knowledge make a constructive trustee?”, Published in *Australian Law Journal* and *Trust Law and Practice* in 1987

Languages

- French (working knowledge)
- Greek (working knowledge)
- Italian (working knowledge)

Awards

