

# Simon Atrill

Call 2005

"An absolute star; he is thorough, incredibly bright and drafts beautifully."

*The Legal 500*



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Simon Atrill is "an absolute star", a "phenomenal" and "remarkable" advocate who is "incredibly bright and drafts beautifully" (*Chambers & Partners*).

He is the *Chambers & Partners* 'Banking Junior of the Year' 2019 and has been shortlisted for that award a further three times in the past six years; he was also named a "Star of the Bar" by *Legal Week*.

He has been involved in some of the largest scale commercial litigation in recent years, both domestically and overseas. Although widely recognised for his banking and civil fraud expertise, his practice encompasses all aspects of commercial work. For example, during the last 12 months alone he has been involved in significant hearings in the Supreme Court, Court of Appeal and various High Court trials and interlocutory hearings, and two substantial arbitrations, as well as acting as an English law advisor in cases in half a dozen jurisdictions, acting as part of a team and also as sole counsel. In the same period, he has been instructed by sovereign states, several FTSE 100 companies, investment banks, pharmaceutical companies and various high net worth individuals, both as an advocate and advisor.

## Recent Highlights

[Law Debenture Trust Corp Plc v Ukraine \[2018\] EWCA Civ 2026; \[2019\] 2 WLR 655 & \[2017\] EWHC 655 \(Comm\); \[2017\] QB 1249 & \[2017\] EWHC 1902 \(Comm\)](#)

Acting for Ukraine (led by Bankim Thanki QC) in defending a claim for more than US\$3 billion, brought by Law Debenture on behalf of the Russian Federation arising from a Eurobond issue in 2013. The case raises novel issues as to the conflict of laws rules concerning the capacity of sovereign states, duress and countermeasures under public international law, and associated issues of justiciability. Supreme Court hearing due December 2019.

[Madison Pacific Trust Co v Shakoor Capital & Privatbank \[2020\] EWHC 610 \(Ch\)](#)

Substantial LCIA arbitration (for \$400 million) and subsequent High Court litigation relating to Awards, raising novel issues concerning partial illegality arising from fraud in the context of Notes (led by David Wolfson QC).

### London

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Group Seven v Nasir & Others [2019] EWCA Civ 614; [2019] PNLR 22 and [2017] EWHC 1928 (Comm); [2018] PNLR 6 and Group Seven v Sultana & Others [2013] EWHC 1509 (Ch); [2014] 1 W.L.R. 735 (now the leading case on the effect of freezing injunctions against one-man companies) and [2014] EWHC 2046 (Ch) (three-month trial) and [2015] EWCA Civ 631

Acting for a high net worth individual (led by Jeff Chapman QC) in two successful claims, after separate three-month trials (and subsequent appeals), in dishonest assistance against accountants, solicitors, Swiss bankers and intermediaries alleged to have facilitated an elaborate multi-jurisdiction fraud.

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### Sandoz v Napp Pharmaceuticals Ltd (settled after full trial, June 2019; led by Jeffrey Chapman QC)

Acting for a major pharmaceutical company in the largest ever claim for damages on a cross-undertaking under a wrongly granted injunction for patent infringement.

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### Global Defense Technology Limited v Salamanca Capital Investments & Another (settled during trial, October 2019)

Acting as sole counsel for the Claimant in a three-week Commercial Court trial for fraudulent misrepresentation arising from statements made to investors.

## Expertise

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### Art & Valuable Items

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#### Notable Art & Valuable Items cases

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Acting (with Richard Handyside QC) in relation to a multi-million pound arbitration involving a major auction house.

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Acting as sole counsel in relation to a substantial contractual dispute worth £1 million relating to antique motorcycles (seven-day High Court trial settled immediately before trial).

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### Aviation & Travel

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#### Notable Aviation & Travel cases

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Acting for a Star Alliance carrier in relation to the distribution of Heathrow slots and hearing before the Civil Aviation Authority.

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Acting in relation to an insurance dispute relating to the cause of a helicopter crash (details confidential).

## Banking & Finance

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*Chambers & Partners* 'Banking Junior of the Year' 2019 (and shortlisted for that award a further three times in the past six years). Simon has extensive experience of all areas of investment and retail banking disputes, acting in some of the largest banking disputes in recent years involving all aspects of noteholder litigation, derivatives disputes, mis-selling, breach of mandate and large-scale investor/consumer litigation.

### Notable Banking & Finance cases

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#### **Law Debenture Trust Corp Plc v Ukraine Supreme Court; [2018] EWCA Civ 2026; [2019] 2 WLR 655 & [2017] EWHC 655 (Comm); [2017] QB 1249 & [2017] EWHC 1902 (Comm)**

Acting for Ukraine (led by Bankim Thanki QC) in defending a claim for more than US\$3 billion, brought by Law Debenture on behalf of the Russian Federation arising from a Eurobond issue in 2013. The case raises novel issues as to the conflict of laws rules concerning the capacity of sovereign states, the ostensible authority of Ministers, duress and countermeasures under public international law, and associated issues of justiciability/foreign act of state.

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#### **Madison Pacific Trust Co v Shakoor Capital & Privatbank [2020] EWHC 610 (Ch)**

Substantial LCIA arbitration (for \$400 million) and subsequent High Court litigation relating to Awards, raising novel issues concerning partial illegality arising from fraud in the context of Notes (led by David Wolfson QC).

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#### **Global Defense Technology Limited v Salamanca Capital Investments & Another (2019)**

Acting as sole counsel for the Claimant in a three-week Commercial Court trial for fraudulent misrepresentation arising from statements made to investors. Settled during trial.

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Substantial LCIA arbitration (for \$800 million) relating to CIS lending respectively (led by Ben Valentin QC).

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Acting for an investment bank in connection with allegations of bribery (details confidential).

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Acting for a private equity fund in multi-jurisdictional dispute (including jurisdictional dispute and injunctive relief in two jurisdictions) worth more than €1 billion.

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#### **FSCS v Firstplus & Others**

Acting for Firstplus (led by Tim Dutton QC) in relation to multi-million pound claims brought by the Financial Services Compensation Scheme arising from the purported assignment of consumer claims arising from PPI sold by Firstplus.

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**Marme Inversiones v RBS [2015] EWHC 173 (Comm); [2016] EWHC 1570 (Comm)**

Jurisdiction dispute under the Judgments Regulation (related insolvency proceedings in Spain) in the context of a claim for €800 million under derivatives; claim dismissed at trial (led by Tim Howe QC).

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**National Bank Trust v Yurov [2016] EWHC 1913 (Comm) & [2016] EWHC 1991 (Comm)**

Setting aside of freezing injunction for culpable but not deliberate non-disclosure.

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**JSC BTA Bank v Abyazov & Others [2013] EWHC 510 (Comm)**

Acting for Mr Khazhaev (led by Jeffrey Chapman QC) in this four-month trial of allegations of fraudulent misappropriation of hundreds of millions of dollars by Mr Abyazov and others from BTA Bank in Kazakhstan, allegedly achieved with assistance of multiple parties and through a complex web of companies.

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**Commission of Enquiry into the failure of CL Financial Ltd**

Instructed by the Central Bank of Trinidad and Tobago (led by Bankim Thanki QC with Henry King QC) in relation to an Enquiry, led by Sir Anthony Colman, into the collapse of and subsequent State intervention in, the CLF Group resulting in billions of dollars in losses. Simon has been instructed in relation to multiple evidential hearings in Port of Spain during 2011 and 2012.

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**Credit Suisse Asset Management v Titan Europe 2006-1 [2016] EWHC 969 (Ch); [2016] EWCA Civ 1293**

Acting for Credit Suisse in relation to a dispute arising from Notes issues with a value of €1 billion (led by Tim Howe QC).

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Acting for a well-known investment bank in defending close-out methodology adopted in relation to emerging market derivatives in the context of the financial crisis (led by Richard Handyside QC).

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Acting for Nationwide Building Society (led by Patrick Goodall QC) in claims brought against it arising from a contractual dispute.

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**Molton Street Capital LLP v Shooters Hill Capital Partners LLP [2015] EWHC 3419 (Comm)**

Acting as sole counsel for the Claimant in the Commercial Court trial of a contractual dispute arising from the sale of bonds, giving rise to numerous issues of US securities law and regulation.

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Acting for Barclays Bank, HBOS, Lloyds Bank and Royal Bank of Scotland in connection with interest rate swap mis-selling claims, including claims arising from alleged LIBOR manipulation.

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Acting for an investment fund in relation to litigation concerning the enforcement of distressed property-related debt in Ireland (led by Robin Dicker QC with Ben Valentin QC).

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### **QOGT Inc v International Oil & Gas Technology Fund Limited**

Instructed by QOGT (led by Alain Choo Choy QC and Lance Ashworth QC) in relation to claims by a Canadian Investment Manager against a Fund relating to management fees, and counterclaims regarding investment performance.

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### **Commerzbank v Credit Agricole**

Instructed by Commerzbank (led by David Railton QC and Adam Zellick QC) in Commercial Court litigation relating to the proper construction of credit default swaps arising from the financial crisis in Ecuador.

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### **K/S Preston Street v Santander (UK) Plc [2012] EWHC 1633 (Ch)**

Instructed as sole counsel by Santander in relation to a dispute regarding the proper construction of indemnity provisions in a loan agreement.

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**OFT v Barclays Bank & 7 Other Financial Institutions [2009] UKSC 6; [2010] 1 AC 696; [2009] EWCA Civ 116; [2009] 2 W.L.R. 1286; [2008] EWHC 2325 (Comm); [2009] 1 All E.R. (Comm) 717; [2008] EWHC 875 (Comm); [2008] 2 All E.R. (Comm) 625**

Acting for Barclays Bank plc (led by Iain Milligan QC/Jonathan Sumption QC and Andrew Mitchell) in the high-profile test case brought by the OFT against eight financial institutions in respect of the legality of current account charges. That has included acting for Barclays Bank in relation to the various trials in the Commercial Court and the appellate stage, as well as in the mercantile and county courts.

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### **Payment Protection Insurance (PPI) and interest rate swaps/derivatives litigation**

Acting for Barclays Bank plc in the High Court and county courts, and advising in relation to issues arising from claims relating to sale of PPI, interest rate swaps and derivatives.

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Instructed (led by Ray Cox QC) in relation to an arbitration involving claims concerning derivative products totalling \$150 million.

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### **ICB v Akingbola**

Instructed (led by Michael Bloch QC) in relation to the defence of various claims in excess of £80 million with associated multi-jurisdictional freezing orders, arising from the alleged misappropriation of assets from a major Nigerian bank.

### Bank of Tokyo-Mitsubishi AFJ v Ferrero Group & Others [2009] EWHC 1276 (Ch)

Acting (led by Anthony Boswood QC) in relation to the appellate stage in this substantial case (86 Court days at trial), relating to claims based on conspiracy to injure by unlawful means.

### Dhanani v Crasnianski [2011] EWHC 926; [2011] 2 All ER (Comm) 799

Acting (led by Marcus Smith QC/Robert Miles QC) in this two-week Commercial Court trial and subsequent appeal concerning a multi-million pound dispute about the establishment of a private equity fund.

### National Westminster Bank Plc v Rabobank Nederland [2007] EWHC 3163 (Comm); [2008] 1 All E.R. (Comm) 266; [2008] 1 Lloyd's Rep. 16; [2007] EWHC 1742 (Comm); [2008] 1 All E.R. (Comm) 243; [2007] EWHC 1056 (Comm); [2006] EWHC 2959 (Comm); [2007] 1 All E.R. (Comm) 975

During 2006-07, Simon acted for Rabobank Nederland (in a team led by Ali Malek QC and including Jeffrey Chapman) in the interlocutory, trial and appellate stages of this international commercial litigation. Rabobank's claims for misrepresentation (including fraud) and breach of fiduciary duty, amounting to more than US\$200m, were tried in the Commercial Court before Colman J for twelve weeks in the autumn of 2006.

Acting in relation to several multi-million dollar test cases in Hong Kong relating to alleged misselling of investments and derivatives.

Acting in relation to the administration of a Middle Eastern bank and issues arising from unwinding of complex financial instruments (led by Marcus Smith QC).

Acting for a lender in connection with alleged fraud relating to sub-prime mortgage lending (led by Michael Brindle QC and with Nik Yeo).

Acting for a prominent Middle Eastern company in relation to multiple claims in the High Court concerning various credit facilities (including jurisdictional and substantive issues).

Acting for a high street bank in relation to a multi-million pound claim brought against it.

Advising in relation to multi-million pound claims against an investment advisor involving breaches of fiduciary duty and negligence.

Acting (with Richard Handyside QC) in relation to a multi-million pound arbitration.

Acting for a high street bank in relation to a negligence claim brought against it.

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Acting for an American bank in relation to claims brought against it in the English High Court.

Acting in a claim brought by receivers of Heritable Bank plc after the credit crunch.

Acting for the Royal Bank of Scotland in relation to the recovery of losses arising from an alleged fraudulent money-laundering scheme.

Acting for a customer in a claim against a major high street bank involving issues of misrepresentation, negligence and undue influence.

Advising major retail banks in connection with compliance with freezing orders and ancillary orders, including their international effect.

Various claims in relation to the enforcement of loans and their security (in particular, mortgages and guarantees).

Acting in numerous cases involving Consumer Credit Act issues (including PPI and other products).

## Civil Fraud

Simon is frequently instructed in disputes arising from complex frauds, both for claimants and defendants, and has been involved in some of the most significant cases relating to developments in the law of deceit, dishonest assistance and conspiracy. Simon has particular experience in seeking, and seeking to discharge, freezing and other interlocutory injunctions.

### Notable Civil Fraud cases

**Group Seven v Nasir and others [2019] EWCA Civ 614; [2019] PNLR 22 and [2017] EWHC 1928 (Comm); [2018] PNLR 6 (led by Jeff Chapman QC)**

Acting for the Claimant in a successful claim after a three-month trial (and subsequent appeal) of claims in dishonest assistance against accountants, solicitors and Swiss bankers alleged to have facilitated an elaborate multi-jurisdiction fraud.

### Auden McKenzie v Patel

Instructed in relation to claims for approximately £300 million arising from the purchase of a pharmaceutical company. Settled before liability trial due February 2020.

Advising a Central European bank in relation to claims against former officers.

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**Barclay Pharmaceuticals Ltd v Mekni**

Acting for Claimant in enforcement of judgment against assets purportedly held by shell companies and family members.

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**Iranian Offshore Engineering & Construction Company v Dean Investment Holdings SA [2018] EWHC 2759 (Comm)**

Acting for defendant accused of dishonest assistance in relation \$80 million fraud.

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**Marme Inversiones v RBS [2015] EWHC 173 (Comm); [2016] EWHC 1570 (Comm)**

Jurisdiction dispute under the Judgments Regulation (related insolvency proceedings in Spain) in the context of a claim for €800 million under derivatives; claim dismissed at trial (led by Tim Howe QC).

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**National Bank Trust v Yurov [2016] EWHC 1913 (Comm) and [2016] EWHC 1991 (Comm)**

Setting aside of freezing injunction for culpable but not deliberate non-disclosure.

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**Group Seven v Sultana & Others [2013] EWHC 1509 (Ch); [2014] 1 W.L.R. 735 & [2014] EWHC 2046 (Ch) & [2015] EWCA Civ 631**

Instructed in various interlocutory applications and a three-month trial (led by Jeffrey Chapman QC) of claims arising from an international fraud totalling €100 million. Succeeded at trial and in the CA.

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**JSC BTA Bank v Abyazov & Others [2013] EWHC 510 (Comm)**

Acting for Mr Khazhaev (led by Jeffrey Chapman QC) in this four-month trial of allegations of fraudulent misappropriation of hundreds of millions of dollars by Mr Abyazov and others from BTA Bank in Kazakhstan, allegedly achieved with assistance of multiple parties and through a complex web of companies.

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**National Westminster Bank Plc v Rabobank Nederland [2007] EWHC 3163 (Comm); [2008] 1 All E.R. (Comm) 266; [2008] 1 Lloyd's Rep. 16; [2007] EWHC 1742 (Comm); [2008] 1 All E.R. (Comm) 243; [2007] EWHC 1056 (Comm); [2006] EWHC 2959 (Comm); [2007] 1 All E.R. (Comm) 975**

During 2006-07, Simon acted for Rabobank Nederland (in a team led by Ali Malek QC and including Jeffrey Chapman) in the interlocutory, trial and appellate stages of this international commercial litigation. Rabobank's claims for misrepresentation (including fraud) and breach of fiduciary duty, amounting to more than US\$200 million, were tried in the Commercial Court before Colman J for twelve weeks in the autumn of 2006 (described as one of the top ten trials of 2006 in [The Lawyer 9/1/06](#), see also [The Lawyer 4/9/06](#)).

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**ICB v Akingbola**



Instructed (led by Michael Bloch QC) in relation to the defence of various claims in excess of £80 million with associated multi-jurisdictional freezing orders, arising from the alleged misappropriation of assets from a major Nigerian bank.

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### **Bank of Tokyo-Mitsubishi AFJ v Ferrero Group & Others [2009] EWHC 1276 (Ch)**

Acting (led by Anthony Boswood QC) in relation to the appellate stage in this substantial case (86 Court days at trial), relating to claims based on conspiracy to injure by unlawful means.

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Acting for a lender in connection with alleged fraud relating to sub-prime mortgage lending (led by Michael Brindle QC and with Nik Yeo).

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Acting for an investor in relation to claims of fraudulent misrepresentation arising from the sale of shares in a Canadian resources company investing in Kazakh natural resources (led by Michael Brindle QC and with Chloe Carpenter QC).

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Acting for a Maltese company in relation to claims of fraudulent misrepresentation concerning sale of investments totalling €100 million (led by Jeffrey Chapman QC).

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Acting for a major publisher in relation to claims of fraudulent misrepresentation arising in the context of Share Purchase Agreements (led by Ian Gatt QC).

## **Commercial Disputes**

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Simon is involved in a wide range of commercial disputes, acting for sovereign states, international institutions and high net worth individuals. He is frequently instructed both for large-scale trials and also interlocutory disputes, such as jurisdictional disputes, questions of non-justiciability and sovereign immunity, and interlocutory injunctive relief.

### **Notable Commercial Disputes cases**

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#### **Law Debenture Trust Corp Plc v Ukraine Supreme Court; [2018] EWCA Civ 2026; [2019] 2 WLR 655 and [2017] EWHC 655 (Comm); [2017] QB 1249 & [2017] EWHC 1902 (Comm)**

Acting for Ukraine (led by Bankim Thanki QC) in defending a claim for more than US\$3 billion, brought by Law Debenture on behalf of the Russian Federation arising from a Eurobond issue in 2013. The case raises novel issues as to the conflict of laws rules concerning the capacity of sovereign states, the ostensible authority of Ministers, duress and countermeasures under public international law, and associated issues of justiciability/foreign act of state.

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Advising a Russian oligarch in relation to jurisdictional issues (led by Sonia Tolaney QC).

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### **Sandoz v Napp Pharmaceuticals Ltd**

Acting (led by Jeffrey Chapman QC) for a major pharmaceutical company in the largest ever claim for damages on a cross-undertaking under a wrongly granted injunction for patent infringement. Settled after full trial, June 2019.

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### **Jeffrey Blue v Mike Ashley [2017] EWHC 1928 (Comm)**

Acting for Mr Blue in the trial of his claim for £14 million against Mike Ashley arising from an alleged oral agreement reached in a pub.

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Advising CIS entity in relation to potential duress arising in relation to entry into SPA.

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Advising member of an LLP in relation to dispute with other members and expulsion from LLP.

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Acting for a private equity fund in multi-jurisdictional dispute (including jurisdictional dispute and injunctive relief in two jurisdictions) worth more than €1 billion (led by Robin Dicker QC).

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Advising a Ukrainian bank in relation to numerous jurisdictional issues in English and foreign litigation.

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### **Molton Street Capital LLP v Shooters Hill Capital Partners LLP [2015] EWHC 3419**

Acting as sole counsel for the Claimant in the Commercial Court trial of a contractual dispute arising from the sale of bonds, giving rise to numerous issues of US securities law and regulation.

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### **Credit Suisse Asset Management v Titan Europe 2006-1 [2016] EWHC 969 (Ch); [2016] EWCA Civ 1293**

Acting for Credit Suisse in relation to a dispute arising from Notes issues with a value of €1 billion (led by Tim Howe QC).

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### **BAT v Windward Prospects Limited [2014] 1 Lloyd's Rep. 559 (jurisdiction) & [2013] EWHC 3612 (Comm) (receivers)**

Acting (led by Robert Miles QC and Stuart Ritchie QC) in relation to indemnity claims in the Commercial Court arising out of pollution of a river in Wisconsin. The litigation forms a part of wider ongoing litigation in the USA involving regulatory and commercial proceedings between numerous parties concerning the clean-up costs that total hundreds of millions of dollars.

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Acting (led by Bankim Thanki QC and with Andrew Kinnier) for a UK mining company and African subsidiary concerning claims arising from mining operations in Africa.

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Acting (led by Bankim Thanki QC) in relation to a major dispute between Russian oligarchs concerning ownership of valuable Russian energy assets.

Acting (led by Tim Howe QC and Nik Yeo) in relation to a US\$1 billion Russian oil and gas dispute.

Acting for a prominent Middle Eastern company in relation to multiple claims in relation to various credit facilities (including jurisdictional and substantive issues).

Acting for a Texan company concerning issues relating to the enforcement of a Texan judgment in England.

Acting (led by Michael Brindle QC) for one of the world's richest men in a claim in the Cayman Islands for more than US\$200 million concerning a shareholder dispute regarding a mobile telecommunications project in the Middle East.

#### **Internet Broadcasting Ltd v Managed Accounts Reports LLC [2009] 2 Lloyd's Rep. 295**

Led by Anthony Boswood QC, defending a claim for £6 million arising from a dispute arising from an internet TV channel; case settled before CA hearing.

**OFT v Barclays Bank Plc & Others [2009] UKSC 6; [2010] 1 AC 696; [2009] EWCA Civ 116; [2009] 2 W.L.R. 1286; [2008] EWHC 2325 (Comm); [2009] 1 All E.R. (Comm) 717; [2008] EWHC 875 (Comm); [2008] 2 All E.R. (Comm) 625**

Acting for Barclays Bank plc (led by Iain Milligan QC/Jonathan Sumption QC and Andrew Mitchell) in the high-profile test case brought by the OFT against eight financial institutions in respect of the legality of current account charges. That has included acting for Barclays Bank in relation to the various trials in the Commercial Court and the appellate stage, as well as in the mercantile and county courts.

#### **Bank of Tokyo-Mitsubishi AFJ v Ferrero Group & Others [2009] EWHC 1276 (Ch)**

Acting (led by Anthony Boswood QC) in relation to the appellate stage in this substantial case (86 Court days at trial), relating to claims based on conspiracy to injure by unlawful means.

#### **ICB v Akingbola**

Instructed (led by Michael Bloch QC) in relation to the defence of various claims in excess of £80 million with associated multi-jurisdictional freezing orders, arising from the alleged misappropriation of assets from a major Nigerian bank.

**National Westminster Bank Plc v Rabobank Nederland [2007] EWHC 3163 (Comm); [2008] 1 All E.R. (Comm) 266; [2008] 1 Lloyd's Rep. 16; [2007] EWHC 1742 (Comm); [2008] 1 All E.R. (Comm) 243; [2007] EWHC 1056 (Comm);**

[2006] EWHC 2959 (Comm); [2007] 1 All E.R. (Comm) 97

During 2006-07, Simon acted for Rabobank Nederland (in a team led by Ali Malek QC and including Jeffrey Chapman) in the interlocutory, trial and appellate stages of this international commercial litigation. Rabobank's claims for misrepresentation (including fraud) and breach of fiduciary duty, amounting to more than US\$200m, were tried in the Commercial Court before Colman J for twelve weeks in the autumn of 2006. (Described as one of the top ten trials of 2006 in [The Lawyer 9/1/06](#), see also [The Lawyer 4/9/06](#)).

Advising (led by Brian Doctor QC and Jeffrey Chapman QC) in relation to shareholder disputes concerning two FTSE 100 companies.

Acting in relation to a substantial contractual dispute worth £1 million relating to antique motorcycles (seven-day High Court trial settled immediately before trial).

Frequently instructed in relation to seeking, resisting or advising on the effects of injunctive relief in the High Court (both freezing orders and other forms of injunction); acting (as appellant and respondent respectively) in several appeals in relation to decisions of High Court Masters.

Instructed as an expert witness in proceedings in the Netherlands concerning various disputes arising from shareholder agreements.

## Competition

### Notable Competition cases

#### Auden McKenzie v Patel

Acting for the vendor of a pharmaceutical company sued for (amongst other claims) breaches of warranties arising from alleged breaches of competition law prior to sale, with parallel competition law investigations (led by Camilla Bingham QC and with Ian Bergson). Settled before liability trial due February 2020.

Acting for a Star Alliance carrier in relation to the distribution of Heathrow slots and hearing before the Civil Aviation Authority (led by Bankim Thanki QC).

## Construction, Energy & Infrastructure

### Notable Construction, Energy & Infrastructure cases

Instructed by insurers in relation to a coverage dispute in Trinidad and Tobago regarding cover for failure of major electrical plant.

## QOGT Inc v International Oil & Gas Technology Fund Limited

Instructed by QOGT (led by Alain Choo Choy QC and Lance Ashworth QC) in relation to claims by a Canadian Investment Manager against a Fund relating to management fees, and counterclaims regarding investment performance arising from oil and gas exploration investments.

## Financial Services

### Notable Financial Services cases

#### Commission of Enquiry into the failure of CL Financial Ltd

Instructed by the Central Bank of Trinidad and Tobago (led by Bankim Thanki QC with Henry King) in relation to an Enquiry, led by Sir Anthony Colman, into the collapse of and subsequent State intervention in, the CLF Group resulting in billions of dollars in losses.

## Insurance

Simon has extensive experience of insurance and reinsurance disputes of varying sizes and complexity, both on his own account and also as part of a counsel team.

### Notable Insurance cases

Instructed in a reinsurance arbitration (led by Michael Crane QC and Marcus Smith QC), with a value of approximately \$100 million, that settled shortly before the ten-week trial.

Instructed (led by Michael Crane QC) in relation to substantial reinsurance arbitration.

Instructed as sole counsel in relation to insurance dispute relating to duties of placing brokers regarding retention of documents (trial February 2016).

Instructed as sole counsel in relation to a Commercial Court reinsurance dispute.

Instructed by insurers in relation to a coverage dispute in Trinidad and Tobago regarding cover for failure of major electrical plant.

Regularly instructed in connection with professional indemnity insurance disputes. In the last few years, he was led in several multi-million pound disputes of that kind, in particular relating to professional indemnity insurers for solicitors (including the insurers of a leading City law firm; led by Stephen Rubin QC) and accountants (led by Patricia Robertson QC).

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Instructed in relation to various insurance disputes relating to coverage and non-disclosure.

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Instructed in a multi-million pound claim raising issues of double insurance and coverage issues (led by Mark Simpson QC).

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Instructed by the Central Bank of Trinidad and Tobago (led by Bankim Thanki QC with Henry King QC) in relation to an Enquiry, led by Sir Anthony Colman, into the collapse of and subsequent State intervention in, the CLF Group and its insurance companies resulting in billions of dollars in losses, raising various insurance issues and questions of regulatory supervision of insurance products. Simon has been instructed in relation to multiple evidential hearings in Port of Spain.

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In addition to work in connection with such larger disputes, he is frequently involved as sole counsel in relation to smaller scale disputes, across a range of insurance products and for a range of insurers (including being regularly and frequently instructed by Barclays Bank plc in relation to certain retail insurance products), and both in the provision of advice and as an advocate.

## International Arbitration

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Simon has been instructed in a number of high-value commercial arbitrations.

### Notable International Arbitration cases

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#### **Madison Pacific Trust Co v Shakoor Capital & Privatbank [2020] EWHC 610 (Ch)**

Acting in a substantial LCIA arbitration (for \$400 million) and subsequent High Court litigation relating to Awards, raising novel issues concerning partial illegality arising from fraud in the context of Notes (led by David Wolfson QC).

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Acting in a substantial LCIA arbitration relating to CIS-related lending (led by Ben Valentin QC).

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Acting in a reinsurance arbitration (led by Michael Crane QC) and associated dispute regarding stay of US proceedings for arbitration.

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Acting in a mining dispute (led by Marcus Smith QC).

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Acting in a derivatives dispute (led by Ray Cox QC).

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Acting in a reinsurance arbitration (led by Michael Crane QC and Marcus Smith) with a value of approximately \$100 million that settled shortly before the ten-week trial.

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Acting in a substantial LCIA arbitration (led by Richard Handyside QC).

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Acting in an aviation dispute (led by Bankim Thanki QC).

## Media, Entertainment & Sport

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Notable Media, Entertainment & Sport cases

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Instructed by a Premiership football club in relation to claims concerning a football agent.

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Instructed by a Premiership football club in relation to claims concerning a disputed transfer.

## Offshore

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Notable Offshore cases

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Instructed (as sole counsel) in Privy Council appeal from Trinidad & Tobago (permission to appeal pending).

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### Commission of Enquiry into the failure of CL Financial Ltd

Instructed by the Central Bank of Trinidad and Tobago (led by Bankim Thanki QC with Henry King QC) in relation to an Enquiry, led by Sir Anthony Colman, into the collapse of and subsequent State intervention in, the CLF Group resulting in billions of dollars in losses.

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Acting (led by Michael Brindle QC) for one of the world's richest men in a claim in the Cayman Islands for more than US\$200 million concerning a shareholder dispute regarding a mobile telecommunications project in the Middle East.

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Acting as English law advisor to CIS entity in relation to litigation in England, Cyprus, Israel and elsewhere.

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Acting in relation to several multi-million dollar test cases in Hong Kong relating to alleged misselling of investments.

## Professional Negligence

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Notable Professional Negligence cases

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Advising (with Simon Salzedo QC) in relation to multi-billion dollar auditor negligence/breach of duty claim.

Acting (with Mark Simpson QC) in defending a professional negligence claim against a prominent firm of offshore solicitors for £100 million.

Acting (with Richard Handyside QC) in relation to a multi-million pound arbitration.

Acting in relation to several multi-million dollar test cases in Hong Kong relating to alleged misselling of investments.

Advising (with Patricia Robertson QC) in relation to a substantial accountant's professional negligence case.

Advising in relation to multi-million pound claims against an investment advisor involving breaches of fiduciary duty and negligence.

## Technology

### Notable Technology cases

Advising provider of data services infrastructure in relation to contractual disputes (led by David Railton QC).

## Directory Quotes

*"An extremely effective and astute barrister and his oral advocacy is extremely well-judged. He is also a great team player who is more than willing to roll up his sleeves and get stuck in to the detail."*

The Legal 500

*"Fantastic - a master of the detail, technically brilliant and great to work with. One of the most formidable juniors out there, and very good to have on your side."*

The Legal 500

*"Very clever, very thorough and tremendously smooth. A very high-class operator."*

Chambers & Partners

*"His advocacy is phenomenal; it's clear, concise and gets to the heart of the issue very quickly. He has an eye for*



*detail and doesn't miss anything in the documentation."*

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Chambers & Partners

*"His advocacy is remarkable; he is exceptionally articulate and utterly unflappable."*

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The Legal 500

*"One of the cleverest juniors I've come across. He's got a very unassuming manner. He knows how to work with solicitors, support them and make sure that they run a happy ship."*

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Chambers & Partners

*"Extremely reliable and responsive, he's able to provide confident, first-class advice."*

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Chambers & Partners

*"Offers what an instructing solicitor is looking for: 'pragmatic and thorough in his approach', he comes at his cases from a commercial angle and is able to quickly strike up a rapport with clients."*

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Chambers & Partners

*"Incredibly quick and very strategic, and has an amazing eye for detail. He seems to recall details absolutely down to the minutiae and never drops the ball."*

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Chambers & Partners

## Directory Rankings

### Chambers & Partners – Global

- Dispute Resolution: Commercial – UK

## Chambers & Partners – UK

- Banking & Finance (Band 1)
- Commercial Dispute Resolution
- Fraud: Civil

## The Legal 500

- Banking & Finance (including Consumer Credit) (Tier 1)
- Commercial Litigation
- Fraud: Civil

## Education

- LL.M (Summa cum laude) (First Class equivalent), University of Pennsylvania
- BCL (Distinction), St John's College, Oxford
- BA Law (Double First), St Catharine's College, Cambridge

## Memberships

- COMBAR
- 'Banking Junior of the Year', Chambers & Partners (2019)
- Supervisor (Tutor) in Conflict of Laws and Administrative Law, University of Cambridge (2004-2005)
- Internship with Jamaican Council for Human Rights, Kingston, Jamaica (working on Death Row appeals to the Privy Council) (2000)

## Publications

### Civil Procedure

- *Legal Privilege and Mandatory Disclosure under the Proceeds of Crime Act 2002* [2005] LMCLQ (co-authored with Alex Barden)

### International Commercial Litigation / Conflict of Laws

- Sole Author, UK Government / Dept of Constitutional Affairs Summary of English Conflict of Laws rules for EU project (see [here](#))
- "Choice of Law in Contract: The missing Pieces of the Article 4 Jigsaw?" (2004) *54 International and Comparative Law Quarterly* 559
- "The Enforcement of Foreign Judgments in Canada" (2004) *63 Cambridge Law Journal* 574

- Book review: Adrian Briggs', *The Conflict of Laws* [2004] LMCLQ 265

### Regulatory / Public Law / Human Rights

- *The Law of Habeas Corpus*, Sharpe, Farbey and Atrill (3<sup>rd</sup> ed, 2011 OUP). The leading text on habeas corpus; previous editions were cited in the House of Lords, US Supreme Court and Canadian Supreme Court.
- "The End of Estoppel in Public Law?" (2003) *62 Cambridge Law Journal* 3
- "Keeping the Executive in the Picture: a reply to Professor Leigh" [2003] *Public Law* 41
- "Who is the 'fair-minded and informed observer'? Bias after Magill" (2003) *62 Cambridge Law Journal* 272
- "*Nulla Poena Sine Lege* in Comparative Perspective: Retrospectivity under the ECHR and US Constitution." [2005] *Public Law* 107
- Book review: Conor Gearty, *Principles of Human Rights Adjudication* (2005) *64 Cambridge Law Journal*

## Languages

- French (working knowledge)
- Spanish (working knowledge)

## Awards

