Giles Wheeler has been described in *Chambers & Partners* as a "strong and forceful" advocate who is "top-notch. His drafting skills are excellent, he's great on his feet, is very user-friendly and his advice is sound".

Giles is routinely instructed in a wide-range of substantial commercial disputes. His experience covers substantial banking disputes (including mis-selling cases, fintech disputes, derivatives and POCA matters), civil fraud, breach of fiduciary duty, breach of director’s duty claims, regulatory matters, and professional negligence (with a particular emphasis on finance oriented professions). Giles is comfortable in handling technically complex matters and disputes involving expert evidence.

Giles often works on cases with an international dimension and regularly advises on jurisdiction and foreign enforcement issues. He has experience of litigation governed by foreign law (including experience of arguing foreign law points in the Court of Appeal). Giles also has experience of being instructed as an expert witness in foreign litigation and has given oral evidence on English law and civil procedure in a jury trial in the US District Court.

Giles has been recommended for professional negligence work by the *Legal 500* from 2009 to 2020 and for banking work by *Chambers and Partners* 2017 to 2020.

His recent highlights include:

- **Bluewaters Communications Holdings LLC v Bayerische Landesbank, Bernie Ecclestone and others**: Giles acted for the Claimant in a claim for over US$500 million arising from allegations that the Claimant was prevented from acquiring a substantial stake in Formula One motor racing by Bernie Ecclestone’s bribery of a German banker. The case was one of The Lawyer's "Top 20 cases to watch in 2018".

- **Munroe K Ltd v Bank of Scotland plc**: Giles acted for the Defendant to a £50m claim for the alleged mis-selling of several interest rate swaps (including allegations relating to LIBOR manipulation). He successfully obtained the striking out of a significant part of the claim on limitation grounds.

- **Montvale v Terra Raf Trans Tranding and Stati**: Giles was instructed by the liquidators of the Claimant (part of Anatolie Stati’s Ascom Group) in litigation arising from the collapse of the Ascom/Vitol joint venture to exploit oil and gas fields in Kazakhstan. The Claimant sought recovery of funds belonging to the Claimant which had been disbursed to other companies under Stati’s control; Giles obtained a worldwide freezing injunction in support of its claim following an unusual 2-day on-notice application.

- **SRA v Martin**: Giles acted for the SRA in an 11-day trial before the Solicitors Disciplinary Tribunal which resulted in the striking off of the Respondent solicitor for improperly receiving a personal payment from the beneficiary of an estate that she was administering, which she then paid into her own bank account and spent as her own money.

- **SPL v Addison**: Giles acted for the Claimant investment funds (each cells of a Guernsey incorporated cell company, which formed part of the collapsed Arch-Cru investment funds) in a claim for £150m brought in Guernsey against a former director, alleging breach of duty in the management of the funds (including a breach of the duty to oversee the work of the funds’ investment manager).

**AREAS OF EXPERTISE**

- Banking & finance
- Commercial dispute resolution
- Energy & natural resources
- Insurance and reinsurance
- Professional discipline
- Professional negligence
- Fraud: civil
- International arbitration
RECOMMENDATIONS

“A real pleasure to work with for instructing solicitors and clients alike, and someone who is also not afraid to take an aggressive stance.”
Chambers & Partners 2020: Banking & Finance

“He’s very considered and diligent and can produce fantastic documents in a very short space of time. For his year of call he shows very good judgement.”

“An all-rounder who understands the practical issues in a case.”
Chambers & Partners 2020: Banking & Finance

“He’s top-notch. His drafting skills are excellent, he’s great on his feet, is very user-friendly and his advice is sound.”
Chambers & Partners

“Technically brilliant, an extremely precise drafter and always talks a lot of common sense”
Legal 500

“He is excellent at dealing with complex factual and legal scenarios.”
Chambers & Partners

“He is a strong advocate with great client-handling skills.”
Legal 500 2020: Banking and Finance (including Consumer Credit)

“He is outstanding in his is his legal analysis and drafting.”
Legal 500 2020: Professional Negligence

“His paperwork is fantastic, he has encyclopaedic knowledge and his advocacy is strong and forceful.”

“Always on top of all the detail”

Giles is ranked in the legal directories for:

Chambers & Partners
- Banking & Finance – New Silks

Legal 500
- Banking and Finance (including Consumer Credit)
- Professional Negligence – Tier 1 (Leading Juniors)

REPORTED CASES

Banking & Finance
- Goldman Sachs v Videocon [2015] 1 CLC 41: A decision on the interpretation of section 6 of the ISDA Master Agreement which the Court of Appeal recognised as being of general importance.
- Barclays v UniCredit [2014] 2 Lloyd’s Rep. 59 (CA); [2013] 2 Lloyd’s Rep 1 (Popplewell J): A claim for €80m arising from disputed credit guarantees which turned on the nature of a contractual requirement to exercise a contractual discretion in a “commercially reasonable manner”.
- R on the application of Williams v Financial Ombudsman Service [2008] All ER (D) 35 (Jul): A judicial review of a decision of the Financial Ombudsman Service which addressed the extent to which the Ombudsman is entitled to rely on his own knowledge of matters not addressed in submissions/evidence advanced specifically in connection with a complaint.
- CSOB v Nomura [2002] All ER (D) 157: An application for the stay of proceedings on forum non conveniens grounds.

Civil Fraud
- Casio v Kaiser [2001] I.L.Pr 43 (CA): The interpretation of articles 5(3) and 6(1) of the Brussels Convention in the context of claims for knowing receipt and dishonest assistance against multiple defendants.

Commercial Dispute Resolution
- Catalyst Recycling v Nicklehütte Aue [2008] All ER (D) 293 (May) (CA); (2008) Env LR 2: The legality of shipments of waste metal to a German recycling facility as a matter of German law and the relevant EU regulation on the transhipment of waste.
Recent instructions include:

- Onfido Limited v Blockchain Access UK Limited: a dispute over the operation of software designed to assist compliance with know-your-customer rules and anti-money laundering regulations when onboarding customers remotely.
- A v B: a dispute over the provision of a data feed to an investment fund platform provider.
- X v Y: a dispute between credit card providers concerning the funding of refunds arising from the collapse of Thomas Cook.
- Axiom Legal Financing Fund Master SP v Royal Bank of Scotland International Ltd: instructed by the Defendant (in a claim before the Isle of Man Court of Appeal) in successfully striking out a claim on the ground that a bank does not even arguably owe a duty of care in tort (equivalent to the contractual Quincecare duty) to the beneficial owner of funds in a trust account.
- Munroe K Ltd v Bank of Scotland plc: acted for Bank of Scotland in defending a £50m claim for alleged interest rate swap mis-selling and alleged misrepresentations relating to LIBOR. Succeeded in obtaining the striking out of the mis-selling aspect of the claim on limitation grounds on an application heard by Knowles J [2018] EWHC 3583.
- United Trust Bank v Miller: Acted for UTB in responding to an application for permission to appeal against a possession order which raised complex issues regarding the duties of litigation friends and the inter-relationship between appeals and applications to set aside an order on grounds of non-attendance, in the context of a party acting through a litigation friend.
- Norham Holdings Group Ltd v Lloyds Bank plc: acted for Lloyds in defending an interest rate swap mis-selling claim, which also raised allegations of LIBOR manipulation and conspiracy. Appeared (led by Richard Handyside QC) at a 2-day preliminary hearing which determined that a basic redress settlement arising from the FCA Review into interest rate hedging products did not give rise to an estoppel preventing the bank from disputing the allegations of mis-selling and did not give the claimant a contractual right to damages for consequential loss.
- Atwal v Bank of Scotland plc: defended interest rate swap mis-selling allegations in proceedings which settled shortly before trial.
- X v Y: A claim by a broker regarding an agreement to establish a crypto-currency exchange, raising issues concerning the basis on which a claim can be brought to recover contractually due payment denominated in bitcoin.
- Rockaria Investments Inc v Lloyds Bank plc: acted for Lloyds in obtaining the successful strike out of an interest rate swap mis-selling claim on limitation grounds, turning on the application of s.14A of the Limitation Act 1980 (with an appeal dismissed by consent shortly before being heard in October 2018).
- Universal Advanced Technology v Lloyds Bank plc: acted for the bank in the Court of Appeal [2016] EWCA Civ 933 in a second appeal concerning a claim to recover sums mistakenly credited to (and then withdrawn from) the account of the beneficiary of a cancelled BACS transfer.
- HDFC Bank Ltd v Essar Steel India Ltd: acted for the Defendant to a claim for repayment of US$19m loan facilities, which raised issues as to the effect under Indian law of a compulsory restructuring mechanism established by the Reserve Bank of India.
Cases include:

- **Montvale v Terra Raf Trans Trading**: Instructed for the BVI liquidator of the Claimant in pursuing a substantial claim for breach of duty against its former director, based on the use of company funds to support other companies under common ownership.
- **SPL v Addison**: Instructed on behalf of the Claimant investment funds (each cells of a Guernsey incorporated cell company) in proceedings brought in Guernsey (which went to trial in February 2017) against a former director, alleging breach of duty in the management of the funds (including in the supervision of the work of the funds’ investment manager).
- **X v a firm of solicitors**: Instructed for the Claimant to advise on a potential claim for negligence governed by German law arising from legal advice given in connection with the restructuring of various securities.
- **Wilson v HSBC**: Instructed for the Defendant to a claim alleging negligent advice in respect of the Claimant’s participation in a film-finance partnership designed to mitigate tax liability and which was later subject to HMRC challenge. Raises issues of limitation and scope of duty, as well as whether the original advice had under-stated the risk of the scheme.
- **SPL v Arch Financial Products LLP and Farrell**: Acted (led by Richard Coleman QC) on behalf of the Claimant investment funds (each cells of a Guernsey incorporated cell company) in pursuing a claim for negligence and breach of fiduciary duty against their former investment manager (and claims of dishonest assistance against its principal) which was entrusted with the management of assets in excess of US$150 million.
- **Independent Insurance v Watson Wyatt**: Instructed on behalf of the liquidators of Independent Insurance in pursuing claims for around £350m alleging negligence in the conduct of actuarial reviews of the reserves of Independent. This very substantial litigation raised numerous issues, including the scope of an actuary’s duty of care (and liability for unprofitable business) and the impact of fraudulent activity on the actuary’s work.
- **Independent Insurance v KPMG**: Also instructed on behalf of the liquidators of Independent Insurance in pursuing a claim arising out of the same facts against the auditors of Independent.

Professional Negligence

Giles regularly acts and advises in relation to professional negligence claims for and against a number of professions, with particular experience in relation to both solicitors, directors and financial professionals, including investment managers, accountants and actuaries.

Giles has been instructed in a number of substantial professional negligence claims (including the Independent Insurance litigation) and has also recently dealt with claims against investment managers, solicitors, insurance brokers and professional trustees. In addition, Giles has handled litigation against various other professionals, including architects and engineers.

Cases include:

- **Montvale v Terra Raf Trans Trading**: Instructed for the Defendant to a claim alleging negligence on the ground of abuse of process/issue estoppel.
- **Barclays v UniCredit**: [2014] 2 Lloyd’s Rep. 59 (CA); [2013] 2 Lloyd’s Rep 1 (Popplewell J): A claim for €80m arising from disputed credit guarantees which turned on the nature of a contractual requirement to exercise a contractual discretion in a “commercially reasonable manner”.
- **Goldman Sachs v Videocon**: [2015] 1 CLC 41: A decision on the interpretation of section 6 of the ISDA Master Agreement which the Court of Appeal recognised as being of general importance.

Civil Fraud

Giles is instructed in a wide range of litigation arising out of civil fraud allegations and has acted for both claimants and defendants. Giles often advises on proprietary claims, tracing and constructive trusts in the context of civil fraud allegations. This litigation arises in a wide variety of contexts and is indicative of the breadth of Giles’ practice.

Cases include:

- **Bluewaters Communications Holdings LLC v Bayerische Landesbank, Bernie Ecclestone and others**: Acted for the Claimant in proceedings in which it is alleged that the Claimant was prevented from acquiring a substantial stake in Formula One motor racing by Bernie Ecclestone's bribery of a German banker. One of The Lawyer’s “Top 20 cases to watch in 2018”.
- **Montvale Invest Ltd v Terra Raf Trans Trading Ltd**: Instructed by the liquidators of the Claimant (part of Anatolie Stati’s Ascom Group) in litigation arising from the collapse of the Ascom/Vitol joint venture to exploit oil and gas fields in Kazakhstan. The Claimant sought recovery of funds belonging to the Claimant which had been disbursed to other companies under Stati’s control and obtained a worldwide freezing injunction in support of its claim following a 2-day on-notice application.
- **X v Y:** Acted for a defendant to a claim to recover the proceeds of a fraud of which the Defendant was alleged to have been on notice (although not actively involved in the fraud itself).
- **A v B:** Advised an international property agent in connection with a claim for breach of confidence against a former employee.
- **Roadchef Employee Benefit Trustees Limited v Ingram Hill [2014] EWHC 109 (Ch):** Acted (led by Michael Brindle QC) for the defendant at the trial of a substantial claim for breach of trust, breach of fiduciary duty, dishonest assistance and deceit, which concerned the transfer of shares held subject to trust as part of an employee share ownership scheme.

### Commercial Dispute Resolution

In addition to dealing with domestic commercial disputes, Giles has substantial experience advising and acting in relation to all aspects of the private international law, including jurisdiction issues, anti-suit injunctions, the enforcement of foreign judgments in the English courts and the application of foreign law in the English courts (including knowledge of the provisions of the Rome I and Rome II Regulations). Giles regularly advises on the application of the EC Judgments Regulation 44/2001 and issues of applicable law. Giles also has experience of various foreign laws, including recently handling cases involving Kazakh, French, German, Austrian and Liechtenstein law.

**Cases include:**

- **X v Y:** Advising on the enforcement of a judgment arising from proceedings before a Russian Court and on the availability of an anti-suit injunction to restrain the Russian proceedings.
- **Grentex & Company Private Ltd v Brintons Carpets Ltd:** Acted for the Defendant in obtaining a stay of proceedings under article 34 of the Brussels Regulation (Recast) in favour of parallel proceedings before the Indian Courts.
- **HDFC Bank Ltd v Essar Steel India Ltd:** Acted for the Defendant to a claim for repayment of US$19m loan facilities, which raised issues as to the effect under Indian law of a compulsory restructuring mechanism established by the Reserve Bank of India.
- **X v a firm of solicitors:** Instructed for the Claimant to advise on a potential claim for negligence governed by German law arising from legal advice given in connection with the restructuring of various securities.
- **X v Y:** Acted for the Defendant to arbitration proceedings which raised an issue of Saudi law.
- **X v Y:** Acted for a claimant bringing arbitration proceedings in a claim for US$27m governed entirely by Kazakh law.
- **Catalyst Recycling v Nickelhutte Aue:** Appeared on behalf of the successful Claimant both at trial and before the Court of Appeal in a claim turning on the legality under German law of the import of metal catalysts into Germany. The claim also raised issues as to the interpretation of the relevant EC regulation, repudiatory breach of contract and the extent of recoverable damages.

### Technology

Giles is regularly instructed on cases with a technological element and is entirely comfortable in mastering technically complex disputes and evidence.

**Cases include:**

- **Little Bridge World Ltd v Hitachi Solutions Europe Limited:** Instructed for the Defendant at the trial of a claim for damages of over £14 million for breach of a software distribution agreement.
- **X v Y:** Acted for a broker in pursuing a claim regarding an agreement to establish a crypto-currency exchange, raising issues concerning the basis on which a claim can be brought to recover contractually due payment denominated in bitcoin.
- **Onfido Limited v Blockchain Access UK Limited:** a dispute over the operation of software designed to assist compliance with know-your-customer rules and anti-money laundering regulations when onboarding customers remotely.
- **A v B:** a dispute over the provision of a data feed to an investment fund platform provider.
- **Essentially Different Limited v Bank of Scotland:** Defended a claim for damages of £150m for breach of a loan agreement which was advanced on the premise that the Claimant had developed novel software technology which comprised an early for of (what is now known as) cloud computing.

### Professional Discipline

Giles has experience of advising and acting in professional disciplinary matters involving solicitors (acting both for the Law Society and for solicitors), in connection with both interventions and other aspects of solicitors’ professional obligations. Giles has appeared in the Solicitors Disciplinary Tribunal, and in appeals from that Tribunal, on numerous occasions (acting for both the SRA and Respondents).

Giles also has experience of professional disciplinary matters relating to accountants and other financial services professionals and has experience of judicial review proceedings in a regulatory context.

**Cases include:**
- **SRA v Martin**: Acted for the SRA in an 11-day hearing before the SDT concerning a large number of allegations arising out of work carried out by the respondent solicitor in connection with probate work, which resulted in the respondent being struck off. An appeal is listed to be heard in December 2020.

- **SRA v Pinner and Morris**: Acted for the Respondents in a 3-day hearing before the SDT which raised issues regarding whether clients had been sufficiently informed of a conflict of interest to which the Respondents were subject.

- **Tawfìq v Tawfìq**: Acted for the Respondent in successfully opposing an application in the Central Family Court which sought to prevent the Respondent’s solicitors from continuing to act for her in ancillary relief proceedings on the ground of a breach of duties of confidentiality alleged to have been owed by those solicitors to the Applicant.

- **SRA v Broadbridge & Grimes**: Acted for the SRA in a hearing before the Disciplinary Tribunal concerning allegations of breaches of the solicitors’ accounts rules, breaches of money laundering regulations, and allegations of mis-conduct in connection with the payment of a trainee solicitor.

- **SRA v Spio-Aidoo**: Acted for the SRA in the Disciplinary Tribunal addressing whether it was proper for a solicitor to sign the statement of truth on a claim form in blank (such a practice having developed amongst certain solicitors handling immigration work).

- **SRA v King**: Acted for the SRA in 6-day hearing before the Disciplinary Tribunal regarding allegations of perjury and operating as a solicitor without proper authorisation.

- **SRA v Gbajabiamila**: Acted for the SRA in pursuing allegations of misconduct in the Disciplinary Tribunal which arose out of the findings of an Employment Tribunal that the solicitor had assaulted and otherwise mistreated a domestic employee and had given unreliable evidence to the Employment Tribunal.

- **Ighalo v Solicitors Regulation Authority** [2013] EWHC 661 (Admin): Acted for the SRA in responding to an appeal against a Disciplinary Tribunal ruling which was brought on the ground of an allegation of bias made against a Tribunal member on the ground of his previous role as an SRA adjudicator.

**APPOINTMENTS, MEMBERSHIPS AND PRIZES**

- Everard Ver Heyden Foundation Prize (1998)
- Astbury Scholarship (1997)
- Harmsworth Entrance Exhibition (1997)
- Ziegler Prize for Law (1996 and 1997)
- C J Hamson Prize (1996)
- Willougby Prize (1994 and 1995)
- Squire Scholarships (1994-1996)

**PUBLICATIONS**

- *Journal of Professional Negligence* – Barker v Baxendale Walker Solicitors: The duty to warn re-visited, 2018
- Author of the chapter on passenger airline tickets and baggage checks in *Carriage by Air* (2001, Butterworths)
- Contributing editor of *Commercial Court Procedure* (2001)

**EDUCATION**

- M (Cantab) First Class, 1997
- A. (Cantab) First Class, 1996

**LINKEDIN**

Giles' LinkedIn profile can be found [here](#).

**BSB Barristers' Register**
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<th>LONDON</th>
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<td>Fountain Court Chambers</td>
<td>10 Collyer Quay</td>
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<td>Fountain Court, Temple</td>
<td>Ocean Financial Centre</td>
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<td>London EC4Y 9DH</td>
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<td>Tel: +65 6808 6611</td>
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