

# FINANCIAL SERVICES

AN OVERVIEW OF OUR SERVICES & EXPERTISE



## ABOUT COLLYER BRISTOW

Collyer Bristow LLP is a long-established central London law firm. We provide high quality, individually tailored legal advice, often with a cross-border aspect, to a portfolio of international and domestic clients including businesses, ambitious entrepreneurs and wealthy individuals and families. We specialise in Business; Dispute resolution; Private wealth; and Real estate services.

Our clients choose Collyer Bristow because they, like us, appreciate individuality, creativity and collaboration. They recognise that their needs may be unique and complex, or that in progressing with their legal issues they value a more engaged and personalised service from their lawyers. They recognise that the Collyer Bristow approach is one of building understanding, trust and relationships with clients. We take time to build relationships so as to understand the commercial objectives behind every transaction or dispute. We find this allows us to operate more strategically on our clients' behalf and to best support the achievement of the outcomes they desire.

The firm is well known for its high standards of client service. We combine a long history of high-quality legal work and professionalism with a dynamic, commercially astute team of lawyers.

## FINANCIAL SERVICES

Our multi-disciplinary financial services team provides a seamless service to businesses and individuals operating in the financial sector, whether that is financial services firms, private equity investors, businesses or family offices. Our work ranges from corporate finance, lending, and restructuring, to funding, regulation, and the pursuit of high-value and complex claims for and against financial institutions.

We act for many regulated financial services firms, including those within the FinTech and RegTech arenas. Our clients include banks, payments providers, fund managers, trading platforms, Forex companies, P2P lenders and those utilising Blockchain technology and digital currencies, as well as many high profile individuals within the sector. Our core offering for those within the financial services sector is outlined in this document; for further information on our full range of legal services please visit [www.collyerbristow.com](http://www.collyerbristow.com).

Examples of our clients include:



## WORKING WITH US

We believe there is real value in our clients knowing every lawyer working on their instructions and knowing we will endeavour that the lawyers they meet on Day One will be the same lawyers they engage with throughout. This will allow us to build and maintain a strong working knowledge of your business, making the client experience you receive consistent and driving efficiencies by reducing upskilling time.

On tasks requiring less senior involvement, we resource work at the most appropriate junior level. Where work is more complex or strategically important for you, these matters typically carry a higher degree of partner input. We find that this partner input, with junior lawyers working closely alongside, provides our clients a better and ultimately more effective result with a service that is more tailored, more strategic, delivered in a timelier manner and to a higher quality standard first time around.

We use technology to drive efficiency and enhance the service our clients receive. Examples of this would include use of secure data rooms, FTP file sharing, as well as more informal arrangements such as the use of WhatsApp to speed up communication. We are always open to exploring new ways of working with clients to improve interaction and efficiency.

Where practical we will provide you with a fee quote no more than 24 hours after receiving your instructions. If the scope of a particular project is more complex and we require additional time to deliver an accurate fee estimate, we will tell you that up front and work towards a deadline that suits your objectives.

With third party providers, such as expert witnesses or counsel, we retain a register of specialists that we call upon – carefully selecting the right individual(s) for the specific project and client. We seek detailed cost estimates from them up-front and we carefully monitor expenditure throughout. All third parties would be managed and monitored by us to help achieve that the process is seamless.

## BANKING & FINANCIAL DISPUTES

Our Banking and financial disputes team works with entities interacting with banks and other large financial institutions, as well as foreign banks, in disputes over financial benchmarks, investments, structured finance, derivatives, loans, guarantees and other forms of security.

We are a conflict of interest free firm and a major source of our work is referrals made by other law firms – be they in the UK, USA or elsewhere – in particular large English and US law firms. We see the confidence placed in us by so many other law firms as a reflection of our reputation for high quality legal work and straight-dealing with clients.

Our clients include UK and offshore companies, financial institutions, hedge funds, finance industry professionals and high net worth investors. Distinctively, we are a “conflict of interest free” team which means we can take on claims against major financial institutions.

We have specialist experience in a number of areas including Forex disputes where we act for commercial organisations, brokers and traders often involving complex issues over Forex derivatives. We are one of the few firms with specialist experience and familiarity in the emerging area of Blockchain and digital currencies – activities where specialist knowledge is required. We have long experience in dealing with fraud and acting for clients whose bank accounts have been frozen by banks including by internet banks.

We also advise clients in the payments industry on a wide range of matters, including contractual and commercial disputes, regulatory compliance and privacy and data protection issues, relating to money transmission, digital and virtual assets, distributed ledger technologies and other credit products. In this area our clients include banks, non-bank financial institutions, payments providers and intermediaries (e.g. merchant acquirers and aggregators), technology companies and start-ups.

Our team is made up of creative problem solvers with particular expertise in pursuing high value and complex claims which often involve an international element. We integrate with your team, working with you closely to gain a thorough understanding of the specifics of your business so we can devise a uniquely tailored strategy which aligns with your wider commercial interests. We pride ourselves on our commitment to finding new and better ways to help our clients resolve their disputes and move their businesses forward.

#### Examples of our disputes work include:

- Acting in a claim against an EU State to enforce an arbitration award for hundreds of millions of pounds, involving an application for a freezing injunction to stop the State making a bond payment.
- Representing a sovereign investment fund in a dispute concerning the validity of a client's put option.
- Representing a State-owned airline in proceedings with its operating company over more than a dozen contracts for the supply and operation of aircraft.
- Advising a global capital fund on asset claims by investors and in connection with a real estate investment scheme in the Caribbean.
- Acting for a foreign bank in a claim against a fraudster who obtained loans from the bank based on forged invoices, involving asset tracing in several countries.
- Representing overseas clients who had invested in a complex building project investment scheme involving sophisticated documentation to cover the activities of the fraudsters.
- Bringing a claim against a leading global accountancy and consultancy services firm for inducing a breach of contract and unlawful means conspiracy.
- Acting against directors of companies over fraudulent financial assistance schemes and for payment of unlawful dividends.

#### FX manipulation and mis-selling:

- Acting for a UK food import/export business with a turnover of around £200 million which has suffered losses of £13 million arising from a number of major UK banks mis-selling complex FX derivatives. The case also includes claims for FX manipulation.
- Acting for a UK travel company claiming mis-selling and FX manipulation against a number of major UK banks. The company faced losses of £15-£20 million arising from FX contracts. The case required our analysis of hundreds of complex FX derivative contracts. After issuing proceedings, we achieved a favourable settlement with the banks.
- Defending a food importing business against a claim from an FX broker who had sold our clients complex foreign derivatives which were inappropriate for the client. We achieved a settlement favourable to our client.
- Advising a very large overseas clothing manufacturer on mis-selling and FX manipulation claims for US\$30 million concerning its FX derivative contracts with a major UK bank.

#### Derivatives:


- Advising an investment fund manager in international litigation with a bank regarding credit default swaps on US residential mortgage backed securities - dealing with both litigation and regulatory issues.
- Representing an overseas investment fund in a dispute with an international investment bank over Longevity Notes derivatives allegedly designed to fail.
- Representing a defendant in High Court proceedings over derivatives and involving questions about the effect of the ISDA master agreement.
- Advising a party involved in an anti-suit injunction and arbitration over performance obligations in an ISDA agreement relating to currency swaps.

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**"EXCELLENT AT IDENTIFYING  
THE KEY ISSUES THAT ARE  
RELEVANT' TO CLIENTS IN [THE  
FINANCIAL SERVICES] SPACE"**

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## REGULATORY AND TRANSACTIONAL

Our team specialises in advising a wide range of clients from the financial services sector, including broker dealers, transaction venues, payments firms, peer-to-peer lenders, fund managers, digital asset issuers and traders, corporate finance advisers, financial research firms and independent financial advisers.

Our advice covers both transactional and regulatory matters, including perimeter regulatory guidance, Initial Coin Offerings (ICOs) and Security Token Offerings (STOs), terms of business, documenting structured products, regulatory investigations, appointed representative arrangements, anti-money laundering advice and investigations, MiFID II and Senior Managers and Certification Regime (SMCR) compliance, financial promotions and compliance with prospectus regulations on Initial Public Offerings (IPOs).

### Examples of our work include:

- Preparing new terms of business for Stockbrokers, CFD and FX derivatives traders post MiFID II.
- Advising a digital metals exchange on all aspects of its launch.
- Acting for a stockbroker under an FCA investigation.
- Advising on conflicts of interest issues affecting a group of independent financial advisers.
- Advising a leading provider of AML / KYC services in the crypto space on a range of corporate and regulatory matters.
- Advising several fund managers on investment management agreements and regulatory status.
- Advising a Japanese-based client on raising money via an initial coin offering (ICO) to fund their project to issue gold bullion-based stablecoins.
- Providing regulatory advice to a leading Slovenian-based provider of brokerage services in the digital assets space.
- Acting for several digital currency traders whose accounts had been frozen at hacked digital exchanges.
- Advising a company on claims for repayment of funds by investors following an ICO.

## FUNDING ADVICE

Our Corporate team has significant experience on both sides of funding transactions, advising early stage businesses on obtaining investment, and advising Private Equity houses, hedge funds and Venture Capitalists on the acquisition, management and disposal of their investment portfolios. Working with some of the best-known investment houses, we have excellent insight into what the key participants on both sides want and how best to deliver it for mutual benefit.

We have also supported many companies and projects raising money through token sales or ICOs in a range of business sectors, including financial services, infrastructure, technology, property, as well as in the agriculture and healthcare industries. We guide clients through each stage of the ICO / STO process, from early stage regulatory analysis, to dealing with the operational process of selling coins. Additionally, we can review and help clients draft white papers and terms and conditions of offer.

## EMPLOYMENT ADVICE

Our Employment & HR team works closely with many types of clients within the financial sector, including large companies, SMEs, owner-managed businesses and start-ups, as well as individuals, providing advice on a variety of issues, whether they are HR related, strategic, complex or contentious.

We get to know a client's business, working practices, culture and commercial objectives. This enables us to provide tailored and pragmatic advice to help them move forward and minimise HR headaches and disruption. Where possible we promote the early resolution of employment disputes but, when this cannot be achieved, we guide our clients through the litigation process with a commitment to delivering the best possible result for their business.

## REAL ESTATE FINANCE

Our Real Estate Finance practice supports banks, administrators of distressed properties, developers, housing associations, property funds and investors. We work with organisations based across the UK and abroad, in relation to developments situated nationwide.

The team acts for borrowers and lenders in secured lending transactions, drafting and negotiating facility agreements and security packages to facilitate a range of high-value investment and development transactions. Our extensive private client and mixed use/residential developer network allows us to fully support investors and developers on fundraising. Our strong Banking and Financial Disputes practice also has the capability and insight to provide robust and forward thinking funding solutions.

Our team is recognised for its expertise in high-level real estate investment, leading us to be instructed in relation to the financing of well over £1billion of real estate assets over the last year. We have particular expertise and reputation in the finance and development of complex mixed-use sites and Build-to-Rent schemes, the establishment of joint ventures, secured financing, profit sharing and overage arrangements. Development clients include: Willmott Dixon/Be Living/EcoWorld International, Chase New Homes, Bewley Homes, Lochailort Investments, Crest Nicholson and Ipsus Developments.

Our Commercial Real Estate team also acts for real estate owners, investors, landlords and tenants, developers and funders, dealing with all types of transactions from multi-million pound portfolio acquisitions to individual sales, commercial lettings, and ongoing management. The team is complemented by our Construction and Real Estate Disputes teams, giving our clients a full-service offering.

### Examples of our work include:

- Acting for a joint venture between a developer and a housing association in connection with the continuing site assembly, funding, development and sales of a site in a prime location in East London. This is a £300m development with a ten year programme for the construction of over 1,000 units, including a community centre, health centre, retail space and a new public square.
- Acting for a property investment company in connection with a £24.5m revolving facility secured on c£200m assets.
- Acting for a developer on a £30m forward sale and funding of a development at Palace Wharf in Fulham to central London's largest residential landlord. The development involved the conversion of the existing Victorian warehouse buildings into apartments and 5 new build townhouses fronting the River Thames.
- Acting for a developer on a joint venture with a pension fund in connection with the acquisition, funding and development of a site in Reading for residential and mixed-use redevelopment and the grant of a development agreement for a lease of part of the site to a social housing provider.
- Acting for a bank in relation to £20m bridge funding of development costs payable by a foreign government institution for the construction of two blocks of student accommodation in London. The developed value of the scheme is c£130m.
- Acting for a bank in relation to a proposed £35m development facility to fund construction of 350 residential units with associated commercial space which is to be forward sold to a pension fund, with particular focus on balancing the competing priorities of lender and ultimate purchaser and associated step-in arrangements.
- Acting for a bank in financing 100% of the £10m acquisition of a development site in Heathrow with the benefit of planning permission for a 500+ room hotel reliant on security provided by a portfolio of hotels and country clubs around the home-counties. The transaction required the amendment and reinstatement of an existing facility to provide in total £26.5m in loan facilities against £56m in security.
- Acting for a major Far Eastern bank on the relocation of its European Headquarters in London. This ongoing project lasting several years, includes renegotiation of complex heads of agreement for the new premises, re-gearing of existing leases and detailed advice in relation to exit from the existing properties.

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## ROBIN HENRY

**Partner & Head of  
Dispute resolution services**

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Robin is a member of our Banking and Financial Disputes team. He has wide experience of financial disputes and has developed an expertise in advising clients on complex FX derivative contracts. He is experienced in advising on financial mis-selling claims and also advises clients subject to investigation by the FCA. He also has broad experience of both contentious and non-contentious banking and insolvency matters, with an emphasis on financial markets work and distressed debt.

He has worked for administrators, administrative receivers and fixed charge receivers appointed in respect of numerous companies, involving both business and property sales. With regard to contentious insolvency, Robin's experience includes actions for mortgage fraud and other claims and investigations brought by Insolvency Practitioners against companies and directors.



## NIGEL BRAHAMS

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Nigel is a partner in our Corporate department. Nigel specialises in transactional and regulatory financial services work, including derivatives, clearing, settlement and trading and also perimeter and specific regulatory guidance. He is also very active, dealing with Seed Funding, Series A and other venture capital financing work and also in M&A within the tech and financial services arena.

Nigel acts in particular for regulated financial services firms and also FinTech, RegTech and broader technology providers. His clients include several payments providers, trading platforms, and P2P lenders. He has a specific interest in Blockchain, digital assets and crypto currencies. He regularly advises and speaks on Blockchain projects, as well as the application of English law and regulation to the selling and issuance of ICOs and advises crypto brokers, payments firms and fund managers.

Nigel spent 20 years as in-house counsel at a series of investment banks and brokerage / FinTech firms.



Scan above or click [HERE](#) to view biographies and contact details of the full team.



For more information please visit:

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