COLLYER BRISTOW

CONFLICT OF INTEREST SERVICES FOR LAW FIRMS

LITIGATION AND ARBITRATION: BANKING, FINANCIAL AND COMMERCIAL DISPUTES

August 2020

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. The firm and individuals are ranked in the leading legal directories including Chambers & Partners and the Legal 500.

OUR DISPUTE RESOLUTION SERVICES

Resolving disputes swiftly and effectively

Conflicts are an unfortunate yet inevitable part of commercial life which must be dealt with swiftly and effectively. We work with clients across a vast range of industries supporting them through the full range of disputes. We provide dynamic and tailored strategies to get them back on track and focused on the day-to-day activities required for success.

With an in depth understanding of our clients' businesses and the key industries they operate in, our creative strategists provide innovative solutions to even the most complex of claims.

- **Arbitration**
- **Banking and financial**
- **Commercial litigation**
- **Competition and antitrust**
- **Construction**
- **Corporate recovery, restructuring and insolvency**
- **Corporate reputation management**
- **Employment law**
- **Fraud**
- **Intellectual Property**
- **Investor claims**
- **Litigation funding disputes**
- **Real estate**
- **Shareholder disputes**
- **Tax disputes and investigations**

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.

"TENACIOUS IN ACHIEVING THE BEST RESULTS FOR CLIENTS"

Legal 500, legal directory

"TECHNICALLY EXCELLENT AND GOOD VALUE FOR MONEY"

Legal 500, legal directory

OUR CONFLICT-OF-INTEREST FREE SERVICES

As a law firm you work hard to win, maintain and nurture the relationships you have with your client but the need may arise where you require another law firm to act for the client because you have a conflict of interest or for another reason. You need to be confident that not only will your client be looked after in a professional manner, but that your relationship with that client will be unaffected or even strengthened following the completion of our services. As part of this, and to preserve your relationship, we provide an undertaking not to act for your client in any other matter.

A major feature of our firm's work is referrals made by other law firms – be they in the UK, USA or elsewhere – in particular large English and US law firms. This is, in part, a reflection of our reputation for high quality legal work and straight-dealing with clients. We are able to provide testimonials upon request.

Typical areas for our conflict of interest free work include litigation and arbitration regarding:

- **Disputes involving banks and other financial institutions.**
- **Complex commercial disputes, often with international aspects.**
- **Disputes with large domestic or international entities.**

Some examples of the work of members of the firm are given on later pages.

HOW WE OPERATE

- To preserve your relationship, we undertake not to act for the client in any other matter.
- We are sensitive to clients' needs and are aware of the importance of your relationship with the client.
- We combine our legal abilities with a "real-world" commercial approach to handling disputes and we encourage clients not to throw good money going after bad.
- In most cases we do not charge for the initial review and initial advice.
- We offer reasonable fees with a flexible approach including, where appropriate, capped fees for stages of the dispute.
- We provide regular estimates of costs.
- Our invoices are accompanied by a detailed report outlining the work that has been carried out.
- We work with the best counsels' chambers, with whom we often have long relationships sometimes built up over decades.
- We have relationships with all the leading litigation funders.
- We have high-quality associates and senior associates, who have often joined us from large law firms – our teams and lawyers are recognised in both the Chambers & Partners and the Legal 500 directories.
- We have an excellent reputation for the quality of our services and our relationships with clients.

"HIGHLY COMPETENT, COMMERCIAL AND PRACTICAL"

Legal 500, legal directory

OUR EXPERTISE: BANKING & FINANCIAL DISPUTES

Examples of our work include:

- **Acting for a group of Russian companies**, targeted by US sanctions, in negotiations with several major investment banks regarding its collateral securing $500m loans.
- **Acting for a Brazilian construction company** in relation to bank accounts frozen by a Spanish bank in London.
- **Acting for junior bond holders in a CLO** in litigation concerning whether the Collateral Manager was entitled to an incentive fee under the payment waterfall.
- **Acting for former bank employees** in connection with a $1 billion RMBS lawsuit against a US bank.
- **Acting for a former employee of a French bank** in connection with a $2 billion lawsuit brought by the Libyan Investment Authority concerning allegations of misselling of debt securities.
- **Advising an investment fund** claiming gold price manipulation against a major investment bank in respect of credit linked notes (following the default of an underlying gold forward purchase agreement and non-payment for shares of $1.5 billion).
- **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 a sovereign investment fund** in a dispute concerning the validity of a client's put option.
- **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 stockbroker** under FCA investigation.
- **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 a SIPPs operator at the Regulatory Decisions Committee in respect of **FCA enforcement proceedings**.
- **Representing clients who had invested in a complex building project** internationally; a financial investment scheme involving sophisticated documentation to cover the activities of fraudsters.
- **Acting for a hedge fund trader** appealing against a regulatory decision of the Frankfurt Stock Exchange.
- **Acting for a financial services company** in defending a High Court claim brought by an individual financial adviser alleging breach of contract, breach of FCA regulations, procuring a breach of contract and causing loss by unlawful means.
- **Acting for a spread betting trader** subject to an FCA investigation into an illegal share support scheme.

"TACTICALLY VERY ASTUTE"

Legal 500, legal directory

OUR EXPERTISE: COMMERCIAL DISPUTES

Examples of our work: include:

- **Acting in a complex fraud claim** arising out of the sale of a business to a listed outsourcing and technology business.
- **Dealing with a complex trust claim** relating to assets in London and the Middle East.
- **Acting in an unfair prejudice claim** relating to a major shipping company.
- **Acting for a €100m Italian family trust** in proceedings brought by beneficiaries to remove the trustee.
- **Acting for the litigation funder** in a case between a property developer and a major bank over a claim for £700 million arising from the collapse of a substantial property business.
- **Representing the defendant in a complex claim** over the supply of alleged faulty car parts, involving claims by hundreds of thousands of car owners against the car manufacturer.
- **Advising and representing parties** in many fraud and asset tracing claims.
- **Acting for the former shareholders of a UK technology company** in a complex multi-jurisdictional fraud claim against the former management of the UK company.
- **Acting for a medical technology company in a complex contractual dispute** concerning the development of bespoke software and breaches of valuable software licence agreements.
- **Acting for a professional services company** in a dispute with the Administrator of the US$200 million estate of a high-net-worth Saudi individual.
- **Acting for a worldwide energy company** in High Court proceedings in relation to a dispute over the allocation of operating expenditure of £105 million between oil fields in the North Sea.
- **Acting for a Main Market-listed oil and gas company** on an investigation into an attempted banking fraud of the value of US$40 million and an IT data breach.
- **Bringing a claim against a "Big 4" accountancy and consultancy practice** for inducing a breach of contract and unlawful means conspiracy.
- **Dealing with a shareholders' dispute** in which the minority shareholders sought to block the sale of a majority shareholder's interest, which would have given the purchaser negative control.
- **Representing a client in a professional negligence claim** against its auditors who had failed to recognise that their finance director was embezzling money via payments to the bank accounts of "ghost" employees.
- **Acting for a large number of claimants (200+) in proceedings** against News Group Limited and Mirror Group Limited for misuse of private information and breach of confidence in the mobile phone voicemail interception litigation.
- **Acting against directors of companies** over fraudulent financial assistance schemes and over the payment of unlawful dividends.
- **Representing a State-owned airline** in proceedings over multiple contracts for the supply and operation of aircraft.

OUR EXPERTISE: ARBITRATION

Examples of our work include:

- **Acting for a South African mining company** in ICC and Swiss arbitrations involving allegations of fraud in connection with a Russian mining project.
- **A US$30 million ICC arbitration on behalf of a US client** involving allegations of fraud and wrongful early termination of a contract (wet-lease of four Boeing 747 aircraft). A related dispute was separately mediated under the Hong Kong International Arbitration Centre Mediation Rules.
- **Acting for a Russian investment bank defending a claim** brought by a BVI company in the Arbitration Institute of the Stockholm Chamber of Commerce relating to an alleged breach of an agency agreement.
- **Advising on the viability of a bilateral investment treaty claim** under the ICSID rules for the expropriation of a metallurgical plant in the CIS region, including analysis of the potentially applicable BITs and the investment protection rights that had been breached.
- **Acted for an UK based mobile messaging business** in a LCIA arbitration against a Spanish digital content supplier culminating in a 10 day hearing.
- **Instructed by a Middle Eastern airline in a LCIA arbitration** brought by a former charter operator – proceedings were brought to an early conclusion following successful application for security for costs against the claimant.
- **Acted for a Jordanian cable manufacturer** in an arbitration under the rules of the London Metal Exchange, culminating in a 7 day hearing.
- **Acted for a Middle Eastern client in ad hoc arbitrations** against two Malaysian companies.
- **Acting for a stock exchange listed industrial chemical company (UNCITRAL arbitration)** in its defence of a €150 million claim for unlawful termination of a commercial licence, involving factual and legal matters relating to stock exchanges listing and fundraising in the UK, the US, the Netherlands, China, Libya, Malaysia and Singapore.
- **Representing a client in an LCIA arbitration** over the performance of FX currency swaps with a leading international bank, including an anti-suit injunction and related Indian fraud proceedings.
- **Representing a client in a claim by a business consultant** in a LCIA Arbitration under the UNCITRAL rules.
- **Acting for a US client in an arbitration with a Saudi manufacturer** of aircraft parts over a disputed consultancy agreement.
- **Advising a high-net-worth individual and a natural resources company** concerning international arbitration proceedings against foreign governments under bilateral investment treaties.
- **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 prevent the State making a bond payment.

STEPHEN ROSEN

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Stephen heads our Banking and Financial disputes team and our cross-department financial sector group. His work includes dealing with bank and financial market disputes and investor disputes. Stephen is fascinated by the workings of the financial markets and by products such as derivatives. He has been a commentator on these issues in the Press and on television and radio.

Stephen's background is one of very wide commercial litigation experience, and also arbitration experience, both of which continue. He has dealt with many cases of white-collar fraud and asset tracing and is a member of the Fraud Advisory Panel.

Stephen is a member of the Commercial Litigation Association, the Fides Network Group, the Financial Services Lawyers Association, the Fraud Advisory Panel, the International Bar Association and the London Solicitors Litigation Association.

ROBIN HENRY

Partner and Head of Dispute resolution

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Robin is a member of our Banking and financial disputes team and Head of the Dispute Resolution department. He has wide experience of financial disputes and has developed an expertise in advising clients on complex FX derivative contracts and also FinTech and crypto currency. 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.

RICHARD VIEGAS

Partner and Head of Commercial disputes

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Rich is a Partner and the Head of our Commercial disputes team. His practice covers a wide variety of fraud and general commercial disputes as well as banking disputes and international arbitration.

Rich has advised on numerous high value financial and corporate disputes acting for clients in a diverse range of sectors, across a variety of jurisdictions, including the US, Nordics, Russia, Singapore, the Middle East and India.

His extensive commercial disputes experience covers disputes in the mining, pharmaceutical, property, data protection and big data, media, defamation, energy, FinTech and technology and licensing fields. His contentious tax experience includes a seminal HMRC dispute regarding corporation tax and transfer pricing. Rich has detailed experience in the thriving FinTech scene, both in the UK and abroad.

JANINE ALEXANDER

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Janine is a Partner specialising in complex litigation, in particular financial markets disputes, commercial litigation and arbitration, property finance and development/construction disputes.

She has particular expertise in relation to disputes under ISDA agreements, matters involving litigation funding (acting for claimants and funders) and property finance.

Her recent work highlights include successfully representing clients in a range of banking and financial disputes cases, including: LIBOR manipulation claims, derivatives disputes, and claims against Royal Bank of Scotland regarding its Global Restructuring Group (GRG) and acting for litigation funders in relation to a variety of matters and disputes.

For more information please visit

COLLYERBRISTOW.COM/DISPUTE-RESOLUTION

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