

# SUPPORT FOR COUNSEL

LITIGATION AND ARBITRATION

November 2022

## 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 many of our individual lawyers are ranked in the Chambers & Partners and the Legal 500 legal directories.



We are recognised by The Leaders List as one of the top 100 law firms.



The quality of our training & the continued development of our firm earned us a spot in the E Private Client's top law firm list.

## 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.

## SCHEME OPERATION

The scheme works as follows:

- Counsel is instructed on a direct basis by a client, for instance, an overseas law firm or in-house counsel.
  - Counsel reaches a stage in the litigation or arbitration where a solicitor's support is needed.
  - Counsel decides what we are to do (with the client's agreement). As one counsel put it to us, it is an à la carte menu of support services which can be purchased as and when needed.
  - We put in place an engagement letter with the client. The client is responsible for our fees and is solely responsible for counsel's fees, with whom the client has contracted.
  - We are sensitive to the commercial relationship with the client being that of counsel and we avoid straying into areas which counsel is to deal with.
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## STANDARDS OF SERVICE

In most cases that our firm handles, our opponents are represented by the large or very large law firms. We are fortunate in attracting high quality, service-orientated lawyers that make us a match for these firms. Our work under the Direct Access Support scheme is carried out to the same high standards.

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## OUR FEES

Hourly rates are dependent on the level of partner and fee earner required. There can be some flexibility about fees, where appropriate, and we aim to allocate partners and fee earners to the case in a way that is cost efficient.

We appreciate that fees can be a sensitive issue and prior to being instructed we would talk to you about our fees and whether there are factors to take into account in your relationship with the clients.

We would then have a conversation with the client about fees in order to reach agreement. We always provide estimates where we can and our monthly invoices are accompanied by a computer printout calculated in 6 minute units showing the work that has been carried out.

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## "TACTICALLY VERY ASTUTE"

Legal 500, legal directory

## "TECHNICALLY EXCELLENT AND GOOD VALUE FOR MONEY"

Legal 500, legal directory

## "TENACIOUS IN ACHIEVING THE BEST RESULTS FOR CLIENTS"

Legal 500, legal directory

## IN ACTION

Our scheme may particularly suit cases where the client does not want to incur the cost of a law firm throughout the litigation or arbitration but would like to have a well-known firm on the record to step in to support counsel when needed.

We know that sometimes clients instructing counsel on a direct access basis can be challenging to deal with, whether financially or otherwise. Our Support scheme is more suited to cases where counsel is instructed by substantial clients, overseas lawyers or in-house counsel.

### Examples of our work include:

- **An overseas law firm instructed counsel for an arbitration on a direct basis.** Counsel provided advice, drafted letters and dealt with the arbitration. We had no involvement up to that point. Then an injunction was needed in support of the arbitration. Counsel introduced us to the law firm. We dealt with the procedural and support side of hard-fought injunction applications. Then, working in conjunction with counsel, we took over responsibility for the heavyweight, challenging correspondence that ensued. Throughout the case, counsel and the overseas law firm decided how the work should be allocated between us and counsel. The two of them continued to deal with all of the preparatory work for the arbitration, except that we performed a demanding task of preparing the papers for the tribunal and we also attended part of the hearing and supported counsel where that was required.
- **An overseas law firm needed advice on whether to start arbitration proceedings in London over a contractual dispute between Russian opponents.** All the documents were in Russian. We introduced them to counsel who was fluent in Russian. The overseas lawyers sent instructions to counsel (in English) together with all the documentation. We were asked to have a limited role and we gave the law firm advice about what to include in the instructions and about the issues that needed to be addressed for English law purposes. We also took a note of a major conference with counsel and obtained counsel's approval of the note so that it could be considered by the client's board.
- **A multinational technology company with a large legal department had been instructing counsel direct in relation to a tax dispute that had then been referred to the Court of Appeal, and counsel needed support.** We dealt with the Court of Appeal requirements, attended the hearing in support of counsel and provided a note for the clients. There was subsequently a major dispute over a costs order made by the court and we were heavily involved in representing the client in the assessment of the costs, referring to counsel as necessary.
- **An overseas law firm has approached counsel to seek a world-wide freezing order.** Counsel and the law firm will decide how to apportion the work between the two of them and typically we will issue the proceedings and the application and support counsel at the ex parte hearing, taking a detailed note of the hearing, drawing up the order and serving it or providing it to the law firm for service. We will be involved, in a similar fashion, at the return date, when the injunction may be heavily fought.
- **An overseas law firm has instructed counsel in an English arbitration, and needs to bring an arbitration claim to the court for selection of the arbitrator.** Counsel will draft the claim, any application to serve out and supporting statement. We typically will compile the documents, make the necessary court attendances to issue the application and arrange service out of the jurisdiction. We will then attend the substantive hearing, prepare a detailed note of it and draw up the order.

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## "HIGHLY COMPETENT, COMMERCIAL AND PRACTICAL"

Legal 500, legal directory



## Key contacts



### ROBIN HENRY

**Partner and Head of Dispute resolution**

+44 20 7470 4429

+44 7943 503198

robin.henry@collyerbristow.com

Robin is 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. 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.



### STEPHEN ROSEN

**Partner, Commercial disputes**

+44 20 7468 7208

+44 7770 986494

stephen.rosen@collyerbristow.com

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

Stephen heads our cross-department financial sector group. His work includes dealing with bank and financial market disputes and investor disputes.

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.



### DAVID VAUGHAN

**Partner, Commercial disputes**

+44 20 7468 7232

+44 7808 870142

david.vaughan@collyerbristow.com

David is a commercial litigation and arbitration partner with a strong focus on complex and high-value disputes, often, if not always, with a multi-jurisdictional element. His international practice, as well as his ability to speak four languages, makes him ideally placed to provide strategic solutions to international clients.

David's work includes a wide-range of corporate, commercial, financial and property related disputes and clients include sovereign states, banks, corporates, serial entrepreneurs and high-net worth individuals.

His work includes representing a client in complex causes of actions ranging from breach of trust and breach of fiduciary duty to mistake, fraud and conspiracy and acting for a sovereign state in a series of arbitrations leading to multi-jurisdiction court proceedings to enforce the arbitration award."

For more information please visit  
[COLLYERBRISTOW.COM/DISPUTE-RESOLUTION](https://COLLYERBRISTOW.COM/DISPUTE-RESOLUTION)

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