

maitland

CHAMBERS

International & Offshore

Who we are	1
What we offer	2
Our International expertise	3
Our coverage	4
Company, Partnership, Financial Services	5
Insolvency	6
Trusts	7
Commercial/Business disputes, Fraud, Asset-Tracing and Recovery	8
Real Estate	9
Arbitration	10
Contact us	11



Who we are

Maitland Chambers is widely recognised as one of the top sets at the English Bar practising primarily in the field of Commercial Chancery litigation, and we have occupied first place in that category in *Chambers UK Bar Guide* for many years. Our multi-disciplinary expertise across a broad range of both Chancery and Commercial disciplines has proved crucial to clients where cases span a number of areas, and provides us with an advantage in terms of the service we offer when traditional specialisms overlap.

“Maitland Chambers’ barristers are technically brilliant, always responsive, and easy to use”

Legal 500

With over 65 barristers, where over a third are QCs, we are of a size which enables us to offer the right mix of seniority and experience to deal with any problem within the fields of our expertise, ranging from the smallest of cases to the largest and most complex pieces of litigation. Our clerks’ room will readily suggest Counsel whose expertise and experience is commensurate with the complexity or size of the case. Our barristers and staff are committed to providing exceptional service and will give comprehensive advice, and representation, of the highest quality. We have a long pedigree of providing lawyers of the very highest calibre who are business-minded and practical.

“Stellar, client service-orientated advocates”

Chambers UK Bar Guide

Although based in London, we regularly act in non-UK cases where our expertise in English law (and familiarity with overseas law and jurisdictions), our oral and written advocacy skills, and our litigation experience provide genuine added value. We advise; appear as advocates before foreign courts and tribunals; otherwise assist in the conduct or resolution of disputes (including all forms of ADR); and provide expert evidence of law in foreign proceedings.

The main areas of expertise relevant to our international practice are, Company law, Partnership law, Financial Services, Insolvency, Trusts, Probate, Commercial/business disputes, Fraud, Asset Recovery, Real Estate and Arbitration.

Over the years, we have been involved in the most complex and highest profile cases including, for example, BCCI, Barlow Clowes, Barings, Equitable Life, Federal Mogul, Icelandic banks, Lehman Brothers, Madoff, Maxwell, Northern Rock, Polly Peck, Thyssen and Berezovsky.

What we offer

We take immense pride in being able to offer cross-disciplinary experience and a broad legal focus, which leads to an approach to problems which is both knowledgeable and imaginative, and which permits them to be dealt with comprehensively and efficiently. Our strong presence in the international and offshore field means that our Barristers are very familiar with working directly and closely with advocates in the local jurisdiction. Our barristers are well acquainted with first instance and appellate court practice and procedure in the established jurisdictions, and with taking appeals to the Privy Council and other final appellate courts. They also appear regularly in all forms of international arbitration, and expert determinations.

“Maitland Chambers are big in terms of both numbers and quality”

Chambers UK Bar Guide

Our expertise and long-standing experience in litigation and advisory work encompasses the business, financial and property sectors, and covers issues of a nature which arise in both the corporate, and the private client and personal contexts. It includes business and financial disputes; breach of duty and fraud claims, including the tracing and recovery of assets worldwide; corporate law and governance, including claims by shareholders and investors; instruments used in lending, or investment or financial arrangements, from the more traditional such as bonds, loan facilities, charges and security instruments to the more modern such as futures, swaps and other derivatives; financial regulation; corporate and personal insolvency; partnerships and joint ventures; mis-selling; hedge and private equity funds; real estate and property rights; trusts; and personal and family wealth, estates and taxation, and probate.

Our experience in all of these areas means that we bring cross-disciplinary expertise to even the most complex of matters.

Our barristers are supported by an experienced and able clerking team. The more senior clerks make regular professional visits to the international and offshore jurisdictions to continue the development of their understanding of the needs of clients. They are very familiar with the practical and formal issues which arise in connection with an overseas instruction, and they have the experience to anticipate and address them. The clerking team has been described by *Chambers UK Bar Guide* as being “efficient, helpful and proactive” and headed by a Senior Clerk with an “excellent and highly responsive approach”.

Our International expertise

Our international and offshore work draws on our range of specialist skills. Examples of the types of issue, both contentious and non-contentious, in which we have international experience include:

- Cross-border insolvencies
- The operation of private equity funds, hedge funds and other investment vehicles
- Commercial disputes
- Fraud, asset-tracing and recovery actions, including worldwide freezing orders/injunctions, and search orders
- The variation and operation of offshore/non-UK trusts
- Advice and drafting in non-contentious matters, for example in structuring/restructuring offshore trusts, companies, partnerships and other corporate structures, including related tax considerations
- Share valuation disputes, including in Cayman fair value proceedings under S.238, acting both for the company and for the dissenters
- Breaches of duty by directors, officers and trustees
- Professional negligence claims
- Shareholder and joint venture partner disputes
- Disputes about jurisdiction
- The enforcement of judgments/arbitration awards worldwide
- Family disputes, and probate

“Excels in high-value, complex offshore work”

Chambers UK Bar Guide

The range of services we offer include:

- Advising and drafting documents
- Appearing as advocates in courts, tribunals and arbitrations outside the UK
- Being present at and assisting in the conduct of cases before non-UK courts where court advocacy rights are restricted to local lawyers
- Advising and representing clients in all aspects of Privy Council appeals from countries outside the UK
- Giving expert evidence of law in proceedings conducted outside the UK

Our coverage

We act for clients in many countries and jurisdictions around the world. Jurisdictions in which we have worked recently include the following:

Anguilla	Iceland
Antigua	Isle of Man
Bahamas	Italy
Barbados	Jamaica
Belize	Jersey
Bermuda	Luxembourg
British Virgin Islands	Malaysia
Brunei	Singapore
Cayman Islands	St Kitts & Nevis
Dubai	St Lucia
Gibraltar	Sweden
Grenada	Switzerland
Guernsey	Trinidad & Tobago
Hong Kong	Western Samoa

“Responsive, thoughtful
and commercially astute”

Legal 500

Many of our barristers are full members of the local Bars in a number of non-UK jurisdictions, including Hong Kong, the Dubai International Financial Centre and in a number of Caribbean jurisdictions. They have also been called to the local Bar on an ad hoc or temporary admission basis when required. All of our barristers have rights of audience in the European Court of Justice and the European Court of Human Rights.

We have been involved in arbitrations and other tribunal hearings for clients, ranging as far afield as Hong Kong, Singapore, New York, Zurich, Paris, Milan, Luxembourg, Stockholm, Geneva, Moscow and Kiev.

A number of Judges who sit outside the UK (including in the Eastern Caribbean, the Cayman Islands and the DIFC) have been known to us professionally for many years. Several of our senior barristers sit as fee-paid judges themselves, not only in the UK but also offshore.

Our barristers are available to travel (if necessary at short notice) for the purposes both of giving advice and to attend court hearings. Junior barristers are often made available for longer-term commitments abroad either for the purposes of dealing with a particular case or by way of a secondment. Where it is impractical or unnecessary to travel, we have two suites available for video-conferencing.

Company, Partnership, Financial services

We are expert in both contentious and non-contentious company law, including breaches of directors' duties, shareholder disputes, takeovers, mergers and acquisitions, corporate reconstructions, loan capital and banking securities, schemes of arrangement, and reductions of capital and insurance schemes.

"I would not hesitate to instruct them again"

Chambers UK Bar Guide

We advise on and litigate disputes about partnerships (including limited partnerships and limited liability partnerships) and joint venture structures. We regularly act for banks, hedge funds and other financial institutions, as well as for their clients, investors, shareholders and for those who advise them. Our experience includes all forms of loan transactions, letters of credit and bills of exchange, guarantees, litigation in the context of distressed investment funds, derivative actions, mis-selling claims and all forms of complex securities and investments. We also practise in the field of banking and financial services regulation, advising and acting in disputes concerning the powers and liabilities of regulatory bodies, investor compensation, and disciplinary proceedings. Notable examples include:

- **Value Discovery Partners** – acted at first instance and before the Eastern Caribbean Court of Appeal concerning the construction of a BVI limited partnership's Articles of Association
- **Gamlestaden Fastigheter AB v Baltic Partners Ltd** – a Privy Council appeal from Jersey concerning the availability of unfair prejudice relief
- **Matador Investments Ltd** – alteration of redemption rights, and the effect of side letters, concerning a Caymanian fund
- **Lenta Properties Ltd** – appeared in the BVI in a dispute about rights under a shareholders' agreement concerning a BVI holding company and control of a Russian hypermarket chain
- **Esquire v HSBC** – representing HSBC in the Hong Kong Court of Appeal in its dispute with a former customer
- **Staray Capital Ltd** – compulsory redemption of a minority shareholding in a BVI company (advocate at first instance at the Eastern Caribbean Court of Appeal)
- **Sheermohamed v SA Nabi & Sons Ltd** – appeared in the Caribbean Court of Justice in Trinidad & Tobago in a shareholder dispute concerning the validity of board and shareholder meetings
- **Ortland Equities Corp** – represented both sides at trial and on appeal in the BVI in a challenge to set aside a transfer by the company of its principal asset at an under-value

"One of the pre-eminent Chancery sets"

Legal 500 UK

Insolvency

Maitland's expertise is in all aspects of corporate and personal insolvency, including liquidations, bankruptcies, directors' disqualifications, administrations, administrative and other receiverships, individual and company voluntary arrangements, partnership insolvencies, international and cross-border insolvency, insolvency issues concerning pension schemes, transactions at an undervalue and actions for relief from frauds on creditors, and corporate reconstructions.

We act for creditors, secured and unsecured, insolvency practitioners, and the insolvent company or individual. Several barristers are on the Attorney-General's panels and act in many high-profile insolvency related cases in that capacity. Many of the most prominent cases arising out of corporate collapses in the last two decades have involved our barristers, and one of our regular clients in this field is the UK Government.

We are acting in a number of actions arising out of the Madoff fraud, with appearances in several international jurisdictions including Gibraltar, at first instance and before the Gibraltar Court of Appeal; the BVI and the Eastern Caribbean Court of Appeal. Our barristers have acted, or are still acting, both for the liquidators of Fairfield Sentry and various financial investors raising important questions of cross-border insolvency.

- **Fairfield Sentry v Shell Pension Funds** – acting for both sides before the Privy Council, which will decide important points on the correct approach in cross-border insolvency cases
- **Picard v Vizcaya Partners Ltd** – appearing at first instance and before the Gibraltar Court of Appeal on a cross-border insolvency claim by Madoff's trustee attempting to enforce default avoidance judgments obtained in New York and intervening in *Rubin v Eurofinance SA* in the UK Supreme Court
- **BCCI** – represented the Luxembourg Liquidators of BCCI and the English Creditors' Committee in the closure of the BCCI liquidation, including before the Luxembourg Supervising Judge in applications before the Tribunal de Commerce in Luxembourg
- **Icesave** – assisting (and providing expert evidence for) English local authorities in their claims against the failed Iceland banks Landsbanki and Glitnir
- **Kong Wah Holdings Ltd v HSBC** – advised and appeared in Hong Kong for HSBC in the *Akai* insolvency, one of the biggest liquidations in the region

“Maitland Chambers remains a top choice for high-profile instructions”

Chambers UK Bar Guide

“A serious player in the insolvency and restructuring market”

Chambers UK Bar Guide

Trusts

Our expertise comprises the full range of non-contentious and contentious trust work for commercial and private clients. This includes tax planning, structuring and litigation concerning the administration and variation of trusts, whether in the context of offshore financial services and investment vehicles, tax efficient corporate structures and transactions, as well as private wealth planning.

We provide advisory and drafting assistance in non-contentious issues, including the restructuring of family trusts and trusteeships as a consequence of divorce, generational or geographical issues.

We advise and represent clients at all stages of the legal process when matters become contentious and act in cases where trusts and trust concepts are used as a means of structuring commercial activities.

Much of the work which we undertake is highly confidential in nature. Notable international experience which we can, however, mention includes:

“The set's strong, high-calibre expertise makes it a go-to for the more complex disputes.”

Chambers UK Bar Guide

- **HSBC International Trustee Ltd v Registrar of Trusts** - acting for the claimant: application of Section 64 of Cayman Trusts Act to trusts within the Special Trusts Regime
- **The Estate of Fok Ting Tung (Henry)** – acting for the daughter of the prominent and wealthy Hong Kong-based businessman and politician in relation to the distribution of assets of his estate and particularly a tract of land in Guandong, China, worth in excess of £3bn.
- **MEP Rothschild Trust Cayman Ltd** – the court considered various matters arising under the Trust of an inter vivos settlement in its jurisdiction under the Cayman equivalent of the Trustee Act 1925, to introduce powers of partition and appropriation
- **Thyssen-Bornemisza v Thyssen-Bornemisza** – appeared in the Thyssen Continuity Trust litigation in the Supreme Court of Bermuda
- **Phi Settlement Trusts** – acting for The Guardian ad Litem in one of Jersey's longest running disputes over the administration of a substantial family trust, in which we are working alongside local counsel in the conduct of the hearing
- **Mackinnon v The Regent Trust Company Ltd** – a Privy Council appeal from Jersey concerning a challenge to the validity of family trusts
- **I-Trust** – acting before the Supreme Court of Bermuda

Commercial/Business disputes, Fraud, Asset-tracing and Recovery

Our expertise includes contractual and non-contractual disputes arising out of international financial or other business transactions.

“The members of this commercial chancery set are outstanding in their field.”

*Chambers UK Bar Guide
(Commercial Dispute
Resolution)*

We bring and defend claims based on dishonesty, including those based on misrepresentation, bribery or other corrupt payments, conspiracy and accessory liability for a breach of fiduciary duty. Our experience includes cases where assets, or entities holding assets, are located in many jurisdictions; where freezing and search order relief is required in multiple jurisdictions; where issues arise as to the best jurisdiction for bringing or defending the claims; where there are parallel civil proceedings and criminal proceedings in different jurisdictions; and where recovery of assets after trial needs to be pursued internationally.

Our renowned expertise in other complementary areas of law, such as company, insolvency, partnership, property and trusts, yields dividends: in particular in the more complex cases where a number of different types of issue arise.

Our experience includes:

“Their quality of advice and commitment to service are outstanding even by current practices and they engender absolute confidence in the client and those instructing.”

*Chambers UK Bar Guide
(Commercial Dispute
Resolution)*

- **Bagani Stiftung v JMV** – application to the Supreme Court of Anguilla for freezing orders and other relief on behalf of two Liechtenstein foundations
- **Petroval SA** – hearing in the BVI court in a case involving the BVI, Switzerland and Singapore for fraud and breach of fiduciary duty following the collapse of Yukos
- **First Quantum Minerals v Highwinds** – claims for inducing breach of contract and an unlawful means conspiracy relating to the exploration of mineral rights in the Democratic Republic of Congo
- **Bny Ais Nominees Ltd & Gva Market Neutral Master Ltd v Cpm Structured Credit Fund 1000 Inc. (“Gottex”)** – acting for Gottex a Hedge Fund of Funds, over “gating” of redemption payment due to it
- **Re: Paulo Malouf** – acting for a major international bank in proceedings against the mayor of Sao Paulo in relation to commissions/payments to private entities: proceedings in Jersey.
- **Danone** - appeared in Hong Kong to obtain orders in aid of Californian proceedings alleging breaches of the terms of a joint venture agreement

Real Estate

Maitland Chambers' expertise in real estate work can be summarised in two words: depth and breadth.

"Maitland Chambers enjoys a fine reputation in the real estate litigation arena"

*Chambers UK Bar Guide
(Real Estate Litigation)*

We have leading experts in all areas of property work (both litigious and transactional), from residential enfranchisement to property development, and service a whole range of clients from private individuals to large multi-national companies. With a set of the size of Maitland, we are able to offer a barrister with expertise in the right area of property law for any property case on which we are instructed. As a result we are regularly instructed in Privy Council appeals from jurisdictions outside the UK.

Property law is not something which should be considered in isolation from other legal principles. Advising on property problems and resolving property disputes frequently requires advice on other areas of law too. With a reputation for excellence in the whole range of modern Chancery work, Maitland can offer barristers with the right expertise in other relevant areas of law and practice. We also advise in relation to real estate issues arising under non-UK law, and act as advocates in real estate disputes in courts outside the UK.

"The set's property practitioners inspire real loyalty from the market, and its devotees turn to it time and time again."

*Chambers UK Bar Guide
(Real Estate Litigation)*

Examples of our recent work include:

- **Re Rank Profit Industries** – appeared for the Appellant in the Hong Kong Court of Final Appeal against the Hong Kong Government for breaking an agreement not to allow neighbouring properties to be developed as offices
- **Poh Chat Jing v Chus Joo Cheng & Chua Su Yin** – appeared along with local Counsel in Malaysia in relation to the sale of land and agents' commission
- **Armbrister v Lightbourn** – appeared before the Privy Council in a dispute relating to the proper analysis of evidence in proceedings concerning title to two areas of land in the Bahamas
- **Expressluck Development Ltd v Secretary For Justice (HK)** – advocacy in the Hong Kong courts concerning a standard form covenant in a Hong Kong Crown lease
- **British American Cattle Company v Caribe Farm Industries** – Privy Council appeal concerning a dispute over registration of title in Belize
- **Half Moon Bay v Crown Eagle** – Privy Council appeal relating to a restrictive covenant in Jamaica

Arbitration

We regularly act as advocates in international arbitrations in all of the major centres of International Arbitration worldwide, including London, Paris, Geneva, Stockholm, Hong Kong and Singapore. Many of our Arbitrations are governed by ad-hoc rules or under the rules of various international Arbitration institutions, such as the ICC, LCIA, HKIAK, SIAC, UNCITRAL, ICSID and other regimes.

We also act as arbitrators, as experts and as legal assessors, and litigate in the supervising court.

Recent examples of our international work include:

- **ICC arbitration with a Swiss seat** – an English contractual claim by a hotel chain against the owner of a piece of land in Marrakesh for an abortive planned hotel and residential development
- **A Singapore arbitration** – advocacy in an ICC arbitration in Singapore relating to a joint venture under the laws of Thailand
- **SIAC arbitration** – acting in this dispute concerning sums due under a contract relating to a mining business in Indonesia
- **LCIA arbitration** – this concerned a shareholder dispute in relation to an offshore holding company for CIS investments
- **Jung Science Information Technology Co Ltd v ZTE Corporation** – advocacy in the Hong Kong court in the leading case on the removal of an arbitrator for bias under the UNCITRAL rules
- **A motor racing arbitration** – advocacy concerning a leading driver with arbitration hearings in Paris and Milan
- **An Amsterdam arbitration** – advocacy in an ICC arbitration concerning television licence agreements
- **DIFC/LCIA arbitration** – ongoing LCIA arbitration in the Dubai International Financial Centre concerning investment banking fees and margin calls on derivatives
- **A Guernsey arbitration** - advocacy in an ICDR arbitration concerning the collapse of an investment fund through fraud
- **A Washington DC arbitration** – advocacy in an ICSID arbitration concerning copper mining investments

Contact us

For further information or advice please contact:

Chancery Set of the Year

Chambers Bar Awards

“Clients consistently find the ‘strength and depth’ at Maitland Chambers ‘very impressive’”

*Legal 500 UK
(Commercial Litigation)*

“Maitland houses a legion of talented juniors at all levels of call.”

*Chambers Global
(Dispute Resolution:
Commercial Chancery)*

John Wiggs (Senior Clerk)

DDI: +44 (0)20 7406 1251

Mob +44 (0)7810 635 987

Email: jwiggs@maitlandchambers.com

Robert Penson (Deputy Senior Clerk)

DDI: +44 (0)20 7406 1258

Mob +44 (0) 7964 917 455

Email: rpenson@maitlandchambers.com

Luke Irons (Deputy Senior Clerk)

DDI: +44 (0)20 7406 1257

Mob +44 (0) 7964 917 430

Email: rpenson@maitlandchambers.com

General enquiries:

Maitland Chambers

7 Stone Buildings

Lincoln's Inn

London

WC2A 3SZ

United Kingdom

Tel: +44 (0)20 7406 1200

Fax: +44 (0)20 7406 1300

Email: clerks@maitlandchambers.com

Web: www.maitlandchambers.com

In the unlikely event that you should wish to make a complaint about the service you receive, please refer to our Complaints Procedure on our website at www.maitlandchambers.com.

Barristers at Maitland Chambers are regulated by the Bar Standards Board

CHRISTOPHER PYMONT QC
CHRISTOPHER McCALL QC
MICHAEL DRISCOLL QC
CATHERINE NEWMAN QC
MARK CUNNINGHAM QC
JOHN McGHEE QC
MATTHEW COLLINGS QC
EDWIN JOHNSON QC
CHRISTOPHER R PARKER QC
DOMINIC CHAMBERS QC
NICHOLAS PEACOCK QC
RICHARD MORGAN QC
AMANDA TIPPLES QC
ANDREW WALKER QC
MICHAEL GIBBON QC
ANDREW TWIGGER QC
EDMUND CULLEN QC
REBECCA STUBBS QC
TIMOTHY DUTTON QC
THOMAS GRANT QC
JAMES ALDRIDGE QC
ANDREW AYRES QC
SIMON NESBITT QC
DAVID MUMFORD QC
CATHERINE ADDY QC
GREGORY BANNER QC
GEORGE HAYMAN QC
NIGEL THOMAS
TIMOTHY EVANS
JOHN DAGNALL
TIMOTHY HARRY
JAMES CLIFFORD
PHILOMENA HARRISON
MICHAEL PRYOR
ANDREW WESTWOOD
SIWARD ATKINS
JAMES HANHAM
PAUL CLARKE
TIM CALLAND
MATTHEW SMITH
ADAM SMITH
REBECCA PAGE
BENJAMIN JOHN
RICHARD FOWLER
OLIVIER KALFON
ALEC McCLUSKEY
FIONA DEWAR
WATSON PRINGLE
THOMAS MUNBY
JONATHAN ALLCOCK
ROSANNA FOSKETT
LAURIE SCHER
CALEY WRIGHT
OLIVER PHILLIPS
JAMES BALLANCE
THOMAS FLETCHER
NARINDER JHITTAY
HANNAH ILETT
DUNCAN McCOMBE
MAXIM CARDEW
LAURIE BROCK
JAMES KINMAN
GABRIELLA McNICHOLAS
EDWARD GRANGER
EDWARD MEULI
AMANDA HADKISS
TED LOVEDAY
RYAN TURNER
ANDREW McLEOD