

Tim Lord KC

YEAR OF CALL: 1992 YEAR OF SILK: 2008

"With justifiable status as a legend of the Bar, he is a brilliant advocate and a supreme strategist."

Legal 500 2023

Clerk's Email: PaulsClerkingTeam@brickcourt.co.uk



Practice Overview

In the 2024 edition of the Legal 500, Tim was described as "The best of his generation"; in 2022 as "One of the leading silks at the Bar, he has an excellent strategic grip on his cases, is an adept and agile court performer, and a magnificent cross-examiner."; and in 2021 it was said of Tim "Arguably one of the top five advocates of his generation. Absolute incredible intellect, but nevertheless approachable and user-friendly."

Tim Lord KC took Silk after 16 years at the Bar, on the strength of a broad commercial practice taking in not only banking and finance but insurance and reinsurance, professional negligence, civil fraud, energy, conflict of laws, TMT and arbitration. His experience of playing first class rugby and cricket has stood him in good stead for both the adversarial aspects of litigation and the crucial need for teamwork.

In 2023 Tim was the top ranked barrister in *The Lawyer's* Top 20 Cases annual survey, with 13 of his cases featured over the 10 year period.

Tim's reputation as an accomplished cross-examiner and trial Silk means that he is regularly brought in to head up heavyweight disputes where he will lead a large team. He is also increasingly instructed to hold the leading appellate brief in cases where he did not appear below. He undertakes work in offshore jurisdictions where he has rights of audience, as well as international arbitrations.

He is recommended as a leading Silk for Commercial Litigation, Banking & Finance, Civil Fraud, International Arbitration, Energy and Professional Negligence by one or both of the Legal 500 or Chambers & Partners, and for Insurance by legal experts.

Tim was awarded ' ' at the Chambers Bar Awards 2013, and ' ' at the Chambers Bar Awards 2014.

Tim was again awarded at the Chambers Bar Awards 2018.

Tim was nominated for 'Commercial Litigation Silk of the Year' at the Legal 500 Awards in 2014, 2016 and again in 2019.

Since 2017, Tim has been highlighted by Who's Who Legal as one of the most highly regarded silks for Banking & Finance.

The Lawyer featured him as one of only fourteen barristers in their , saying:

"The delightful Tim Lord KC of Brick Court Chambers is a winner with clients for his affable and charming personality. In the court, however, he transforms into the Rottweiler advocate who can tear into an argument with force. Clients say he has the ability to pinpoint the key issues of a case and make them stand out to help win a courtroom battle."

Tim was invited to speak on Appellate Advocacy at the IBA Annual Litigation Forum in Chicago, USA in May 2018.

For a copy of Tim Lord KC's CV in Russian please .

Tim's recent cases include:

- ***Palmali Shipping SA v Litasco SA*** : Tim leads for the Defendant in these long-running proceedings brought by Palmali, a shipping company, against Litasco, an oil company and Swiss trading arm of Russian oil giant Lukoil PJSC, claiming loss of profits under a contract of affreightment signed in 2005 for the shipment of oil products around ports in the Black Sea and the Volga-Don canal. The claim was originally for £2 billion but has been reduced to £170 million following a successful reverse summary judgment application by Litasco before Foxton J. The case involves issues of fraud, lack of authority and conflict of interest as well as other contractual defences. There are complex expert issues arising under Swiss company law, Maltese insolvency law, Russian law, forensic accountancy and shipping. The trial is set down for 10 weeks commencing in January 2025.
- ***Breeze and Others v TSB***: Tim leads for the Claimants in the high profile "Northern Rock mortgage prisoners" action proceeding in the Chancery Division. The Claimants are former mortgage customers of Northern Rock whose mortgages were transferred to TSB following the collapse of Northern Rock in the financial crisis of 2008. They claim that they have been unfairly treated in terms of the variable interest rate charged as they could not switch to other, cheaper products due to the tightening of the affordability test for mortgages brought in by the FSA in 2014. Tim led for the Claimants at the trial of preliminary issues heard in July 2024, which was one of the most widely reported cases of the year. (See press links on the right and , , and .)
- ***Rusal v Whiteleave, Potanin and Abromovich*** : the parties are shareholders in Norilsk Nickel

("NN"), a Russian company that is one of the world's largest producers of nickel, palladium, platinum, rhodium, copper and cobalt. The claim is for breaches of a shareholder agreement entered into by the parties and their predecessors in 2012: the Framework Agreement. Rusal alleges that the Defendants breached their obligations under such agreement by (so it is alleged) diverting strategic business units and substantial sums out of NN's control, failing properly to manage NN's operations and failing properly to transfer shares in NN that were to stand as security under the Framework Agreement. Rusal seeks various remedies under the agreement including damages, the right to acquire a percentage of Whiteleave's shares in NN and to have Mr Potanin removed as NN's General Director. Tim leads on behalf of the defendants Whiteleave and Mr Potanin. The action proceeds in the Commercial Court.

- ***FESCO and Magomedov litigation:*** Tim is instructed by Seladore on behalf of Mr Magomedov and his companies in relation to disputes around the world arising out of an alleged conspiracy to carry out a corporate raid on Mr Magomedov's assets, including his stake in the Far-Eastern Shipping Company PJSC ("FESCO") which controls the Port of Vladivostok, and his interest in the Novorossiysk Commercial Sea Port corporation ("NCSP"). In July 2023, Mr Magomedov and his companies issued proceedings in the English Commercial Court in respect of the FESCO and NCSP conspiracies claiming \$13.8 billion, the largest ever (non-class) civil suit in this jurisdiction. Tim leads for the Claimants. The Claimants sought notification and freezing injunctions against various defendants at hearings before Butcher J: see [2023] EWHC 2655 (Comm) in relation to FESCO and [2023] EWHC 3134 (Comm) for NCSP. The Defendants' jurisdiction challenges are due to be heard over 3 weeks later in 2024.
- ***Macdonald Hotels v Bank of Scotland:*** Tim leads for the well-known claimant Scottish hotel group in this banking dispute upon the instruction of Enyo, which proceeds in the Commercial Court. The 7 week trial is to be heard in October 2024.
- ***Loreley 30 v Credit Suisse*** [2023] 1 WLR 1425: Tim acted for the claimant in this \$100M claim arising out of the sale and structuring by the defendants of a synthetic CDO based upon a portfolio of RMBS (into which the US Dept of Justice had previously carried out an investigation). The issues as to the scope of litigation privilege was clarified by the Court of Appeal: [2022] EWCA Civ 1484. Tim led at the trial before Cockerill J, which took place over 9 weeks in 2023: [2023] EWHC 2759 (Comm).
- ***Watchstone v PwC:*** Tim acted for the claimant in this breach of confidence claim arising out of the allegedly wrongful disclosure by the defendant of confidential information during a corporate finance deal. Tim led at the trial before Jacobs J in 2023: [2023] EWHC 1133 (Comm).
- ***The Ingenious Test Claim Trial:*** this multiparty action arising out of the world of film finance was set down to be tried over 6 months in the Chancery Division by Bacon J starting in April 2022 but settled on the eve of trial. One of *The Lawyer's* Top 20 Cases for 2022, Tim led for

the Ingenious parties.

- ***Bank St Petersburg v Arkhangelsky***: Tim acted for Bank St Petersburg in a long running dispute tried over 6 months in the High Court. On 9th May 2018, Mr Justice Hildyard sitting in the Chancery Division gave judgment in favour of the Bank on its contractual claims and dismissed the \$500m counterclaim against the bank based on alleged "fraudulent raiding" of assets: [2018] EWHC 1077 (Ch). Tim appeared for BSP on the appeal to the Court of Appeal in 2020 at which a retrial of the counterclaim was ordered: [2020] EWCA Civ 408. In 2022, BSP succeeded again at such retrial before Trower J, with Tim leading for BSP: [2022] EWHC 2499 (Ch).
- ***RAKIA v Azima***: Tim acted for Mr Azima in his long-running dispute against the Ras al-Khaimah sovereign wealth fund featuring allegations of hacking by RAKIA of Mr Azima's confidential data. A 4 week trial took place in the Chancery Division in 2020: [2020] EWHC 1327 (Ch). An appeal to the Court of Appeal was heard in 2021 at which a retrial of such hacking claims was ordered: [2021] EWCA Civ 349 (CA). The retrial is listed for May 2024. Mr Azima has also been given permission to seek to rescind the original judgment against him on the basis that it was procured by fraud: [2022] EWHC 2727 (Ch).
- ***Uralkali v Rowley and Baker***: Tim represented the claimant in the trial in 2020 before Miles J in the Chancery Division of claims arising from the way in which the defendants discharged their duties as administrators in respect of the administration of the Force India Formula One motor racing team. The claimant alleged negligence in the bidding process which culminated in the claimant losing out in its attempt to acquire such F1 Team: [2020] EWHC 3442 (Ch).
- ***Leeds City Council v Barclays Bank***: Tim led for the claimant local authorities in their claim to rescind long-dated financial instruments on the grounds of misrepresentation. The case raised the topical issue of the test for reliance in cases of implied representations. The bank succeeded in striking out the claims before Cockerill J at a hearing in 2021: her judgment contains an important review of the jurisprudence in this area: [2021] EWHC 363 (Comm).
- ***Venezuelan Gold Dispute***: Tim has appeared for the Central Bank of Venezuela in its long-running and much-publicised dispute with the Bank of England about the release of \$1.8 billion of gold deposits.
- ***TGTL v CATS***: Tim led for the successful CATS parties in this £40m North Sea gas dispute, which was tried over 4 weeks in the Commercial Court before Mr Justice Butcher in February 2019: [2019] EWHC 1220 (Comm). Tim represented CATS again on the appeal to the Court of Appeal in 2020, which upheld the Judge and thus vindicated the CATS' parties' claims: [2020] EWCA Civ 503.

Commercial litigation

General commercial litigation is very much the bedrock of Tim Lord KC's practice.

He is listed as a Leading Silk in Commercial Dispute Resolution by Chambers & Partners and for Commercial Litigation by Legal 500.

Tim won at the Chambers & Partners Bar Awards in October 2013 and at the Chambers Bar Awards 2018.

Tim was nominated for Commercial Litigation Silk of the Year by Legal 500 in 2014, 2016 and 2019.

Tim Lord KC has a wealth of court and trial experience enabling him instinctively to identify the point on which a case will turn and carry the tribunal with him. Originally a solicitor in the City, he took with him to the Bar a thorough grounding in banking, capital markets, corporate finance and general commercial dispute work as well as a clear understanding of how the barrister/solicitor relationship works best.

He maintains a broad practice, combining different areas of substantive and procedural law with a wide range of courtroom experiences. This breadth and diversity makes for effective advocacy and good judgment, essential qualities in Silk.

Tim has a truly international practice, with particular experience of disputes arising out of Russia, the Far East and Middle East. He has undertaken Africa-related work, including joint venture, mineral and general commercial disputes.

Tim undertakes work in foreign jurisdictions where he has rights of audience before the local courts, as well as before international arbitral tribunals.

Recent quotes from the legal directories about Tim's commercial litigation practice include:

- "The best of his generation. He is sensibly aggressive, and deeply forensic. He has a laser-like approach to exposing wrongdoing and expertly frames the key issues. His rich experience gives him the ability to cut through the undergrowth to expose the killer points for all to see." (Legal 500 2024, Commercial Litigation)
- "One of the brightest minds at the Bar. He is an incredible cross-examiner and a great strategist." (Chambers & Partners 2024, Commercial Dispute Resolution)
- "Tim Lord really immerses himself in the detail. A really great guy and a can-do advocate, he has a lot of energy and is just a pleasure to work with." (Chambers & Partners 2024, Commercial Dispute Resolution)
- "Tim is hands-on and very client friendly." (Chambers & Partners 2024, Commercial Dispute Resolution)

- "Tim's reputation as one of the leading silks at the commercial bar is fully justified. He is a masterful litigation strategist and second-to-none in terms of his ability to sniff out and exploit the weaknesses in the other side's case. He is a first-rate advocate and his tenacious and effective cross-examination is particularly notable. He is also an effective leader of large counsel teams on the most complex matters." (Legal 500 2023)
- "Extremely dynamic and energetic, he forms a strategic vision and ruthlessly pursues it. He exerts true leadership in a case and provides direction." (Chambers & Partners 2022)
- "An excellent advocate. He works exceptionally hard and is always thoroughly prepared. His oral advocacy skills are impressive." (Legal 500 2022)
- "As well as being highly intelligent and an expert in the law, he has a very good grasp of litigation and commercial tactics and is a particularly skilled and intrepid advocate." "He is incredibly effective and spends a lot of time preparing the case. As a result he has a clear route plan and gets exactly what the client needs." (Chambers & Partners 2021)
- "Robust and punchy advocate, fights the fight for his client with energy and skill." (Legal 500 2021)
- "Has a very good grasp of legal and commercial tactics, and is a particularly skilled and intrepid advocate." "An exceptional cross-examiner who's thoroughly prepared but also fantastic when he has to go off-piste." (Chambers & Partners 2019)
- "A strong trial advocate with an engaging manner." (Legal 500 2018-19)
- "Has a very good grasp of litigation and commercial tactics, and is a particularly skilled and intrepid advocate." (Chambers & Partners 2018)
- "Quick to grasp issues and identify the most salient points." (Chambers & Partners 2018)

Current or recent commercial litigation matters Tim is undertaking include:

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entered into by the parties and their predecessors in 2012: the Framework Agreement. Rusal alleges that the Defendants breached their obligations under such agreement by (so it is alleged) diverting strategic business units and substantial sums out of NN's control, failing properly to manage NN's operations and failing properly to transfer shares in NN that were to stand as security under the Framework Agreement. Rusal seeks various remedies under the agreement including damages, the right to acquire a percentage of Whiteleave's shares in NN and to have Mr Potanin removed as NN's General Director. Tim leads on behalf of the defendants Whiteleave and Mr Potanin. The action proceeds in the Commercial Court.

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- *Slater & Gordon v Watchstone Group PLC (formerly Quindell PLC)* : Tim was leading counsel for the defendant in this £670m claim alleging fraud and breach of warranty arising in the context of a well-publicised acquisition by the claimant of certain of the defendant's businesses. The matter was listed for a 9 week trial in the Commercial Court starting in October 2019 but settled shortly before the trial.

The breadth and versatility of Tim's commercial practice saw him instructed by the defendant in an *in rem* Admiralty action in which the lender instituted proceedings against the vessel for alleged default under the finance agreements. Tim led for the ship owner on an application that the arresting bank provide security in the form of a cross-undertaking in damages, heard by the Admiralty Court and then the Court of Appeal: *The Alkyon* [2019] 2 WLR 1115, Teare J and CA *Holyoake v Candy*: Tim was retained by the Candy brothers in a much publicised, £100m claim arising out of a London property development and featuring allegations of conspiracy, threats and intimidation.

Tim led for the defendants at the 10 week Chancery Division trial that took place from February to April 2017 before Nugee J. Judgment was handed down in favour of Tim's clients on 21 December: [2017] EWHC 3397 (Ch.)

Tim was instructed by the claimant, Bluewaters, in its Commercial Court claim for over \$600 million in damages arising out of the sale of Formula 1 motor racing. Bluewaters was the unsuccessful bidder and sued Bayerische Landesbank, Bernie Ecclestone and others in relation to the sale. This was one of *The Lawyer's* of 2018. The 10 week trial was set down for October 2019 before the matter settled.

He was leading counsel for the claimant in the case of *CF Partners v Barclays Bank*, which commenced in the Chancery Division in 2011. The claim is based on breach of confidence arising out of corporate finance transactions involving carbon credit trading companies. This case, which featured in *The Lawyer's* of 2013, was tried over some 10 weeks in May-July 2013 before Hildyard

J where Tim led for CFP. Judgment in CFP's favour for €10 million *Wrotham Park* damages was given on 24 September 2014: [2014] EWHC 3049 (Ch).

Tim was leading counsel for the claimant in a \$40M dispute relating to unpaid commissions for property services and transactions in Russia, which started in the Commercial Court and settled in 2016: *Cotchford Secretary Ltd v X5*

Tim was instructed in a substantial Commercial Court action concerning a €200M investment structure which started in 2012: *Fortress Value Recovery Fund 1 LLC v Blue Skye Special Opportunities Fund L.P.* Tim appeared as leading counsel for the manager defendants who face claims in conspiracy in relation to the restructuring of the fund. Tim has appeared at several hearings in 2012 in respect of the freezing injunctions which the claimants obtained, as well as a hearing in relation to an Arbitration Act challenge heard by Mr Justice Blair: [2012] EWHC 1486 (Comm), and a summary judgment application before Flaux J: [2013] EWHC 14 (Comm).

A good example of the breadth of his commercial practice is the claim on behalf of certain farmers for compensation for the 2007 outbreak of foot and mouth disease (*Pride v IAH, Merial Animal Health Ltd and The Secretary of State* 2008 QBD). Judgment was given on 31 March 2009 following a 3 day strike out/summary judgment hearing in which the defendants were represented by Jonathan Sumption KC & Michael Beloff KC: *Pride & Partners v IAH and Others*, QBD 31 March 2009, Tugendhat J.

Tim was retained by the defendant in a claim issued in the QBD in June 2012 for unpaid bonuses: *Lunn v Cenkos Securities plc*.

Tim appeared as leading counsel for the defendant in a substantial jurisdiction hearing in the Commercial Court arising out of an international sale of goods dispute: *Katsouris Bros. Ltd v Haitoglou Bros. SA*. The matter was heard by Eder J in January 2011. The Court acceded to the defendant's case that parallel Greek proceedings should be given precedence over the English proceedings: [2011] EWHC 111 (QB).

He is regularly consulted in relation to disputes concerning corporate finance, takeovers and mergers both domestic and international. The contexts are diverse, and have recently ranged from minerals exploitation in Africa, to carbon credits trading, online gambling businesses and capital markets trading platforms.

Tim acted for the defendant in *Renaissance Capital v African Minerals Ltd*. This mining related dispute has generated two actions in the Commercial Court: the dispute involves claims for a variety of corporate finance advisory fees in a total of some \$100M. The defendant succeeded in the Court of Appeal in 2015.

Tim led for the defendant in *The Yarrow Foundation v Timis*, an action for breach of trust in the Chancery Division in 2011.

Tim was retained by the defendants in a high profile dispute as to restrictive covenants in the world of online gaming business: *William Hill v Playtech*. Tim appeared at the interim injunction hearing before Teare J in March 2011. The trial settled shortly before it was due to begin in the Commercial Court in May 2011.

Tim is regularly instructed to form part of a multi-disciplinary team and bring a commercial law perspective to bear (a good example being *Henry Boot v Alstom Combined Cycles* [2005] 3 AER 932, CA). He was leading counsel in a 2 week trial in the Chancery Division in March 2009 concerning the alleged misappropriation of trade secrets involving allegations of conspiracy, bribery and forgery (*JND v Johal* 2009 Ch. Div.), the appeal in which was heard by the Court of Appeal in March 2010: [2010] EWCA Civ 348.

Banking and finance

Tim Lord KC's time working for a major City law firm before coming to the Bar ideally suited him to banking and finance litigation: his first hand transactional experience of syndicated loans, bond issues, mortgage securitisation and the capital markets generally makes him an obvious choice of silk for "credit crunch" disputes. He specialises in complex derivatives disputes before both the English Courts and international tribunals.

He is recommended as a leading Silk for Banking & Finance by Chambers & Partners and by Legal 500. Tim is highlighted by as one of the most highly regarded silks for Banking & Finance. He is regularly instructed by, and against, the major international banks and financial institutions in their heavyweight litigation. Tim is currently retained in respect of global insolvency proceedings, at the suit of various banks including central banks.

Tim was awarded by Chambers & Partners at their awards ceremony in October 2014.

Recent quotes from the legal directories about Tim's banking & finance practice include:

- "His views are excellent and considered." (Chambers & Partners 2024, Banking)
- "Tim is a strong trial advocate, personable, and hard-working. He is one of the top commercial and banking litigators." (Chambers & Partners 2024, Banking)
- "A titan in this area." (Legal 500 2023)
- "He is a tough advocate and a real fighter." "He inspires confidence in clients and has shown the ability to lead and win the largest and most complex trials. He has hugely impressive strategic judgement." (Chambers & Partners 2022)
- "Tim is a very robust and tough trial opponent and a real fighter. He is also very effective in disclosure applications." (Legal 500 2022)
- "He has very deep experience in acting against the investment banks and has a great nose for things like disclosure and evidence and picking out the holes." "He is a very persistent and

- tenacious advocate and in loads of high-profile cases." Chambers & Partners 2021)
- "An excellent advocate - he has boundless enthusiasm for the law, making it fun to work with him." (Legal 500 2021)
 - "If you have a tough, large, complex case, Tim will attack it with commitment, energy, ingenuity, dynamism and practical commerciality. He is hard, fair, intelligent and relentless in his cross-examination, and is someone who can turn a case." "He remains the number-one choice for any party involved in a significant dispute with an investment bank. Clients have confidence in him and he has shown the ability to lead and win the largest and most complex trials." (Chambers & Partners 2019)
 - "Rightly regarded as a go-to silk to lead large teams in the most complex and high profile disputes." (Legal 500 2018-19)
 - "Tim Lord KC is "a big star in the banking world" who is warmly described as "a strong courtroom advocate and strategist who is also technically excellent" by impressed sources." (Who's Who Legal - UK Bar: Banking & Finance 2018)
 - "As well as being highly intelligent and an expert on the law, he has a very good grasp of litigation and commercial tactics, making him a particularly skilled and intrepid advocate." (Chambers & Partners 2018)
 - "The absolute doyen of structured instruments, he is charming, very easy to deal with and very strategic." (Chambers & Partners 2018)
 - "His real strengths are his cross-examination and advocacy skills; he thrives in court." (Chambers & Partners 2018)

Current or topical banking matters Tim is undertaking include:

- *Breeze and Others v TSB* : Tim leads for the Claimants in the high profile "Northern Rock mortgage prisoners" action proceeding in the Chancery Division. The Claimants are former mortgage customers of Northern Rock whose mortgages were transferred to TSB following the collapse of Northern Rock in the financial crisis of 2008. They claim that they have been unfairly treated in terms of the variable interest rate charged as they could not switch to other, cheaper products due to the tightening of the affordability test for mortgages brought in by the FSA in 2014. Tim led for the Claimants at the trial of preliminary issues heard in July 2024, which was one of the most widely reported cases of the year. (See press links on the right and , , and .) Judgment was reserved.
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dispute tried over 6 months in the High Court. On 9th May 2018, Mr Justice Hildyard sitting in the Chancery Division gave judgment in favour of the Bank on its contractual claims and dismissed the \$500m counterclaim against the bank based on alleged "fraudulent raiding" of assets: [2018] EWHC 1077 (Ch). Tim appeared for BSP on the appeal to the Court of Appeal in 2020 at which a retrial of the counterclaim was ordered: [2020] EWCA Civ 408. In 2022, BSP succeeded again at such retrial before Trower J, with Tim leading for BSP: [2022] EWHC 2499 (Ch).

- *Leeds City Council v Barclays Bank*: Tim led for the claimant local authorities in their claim to rescind long-dated financial instruments on the grounds of misrepresentation. The case raised the topical issue of the test for reliance in cases of implied representations. The bank succeeded in striking out the claims before Cockerill J at a hearing in 2021: her judgment contains an important review of the jurisprudence in this area: [2021] EWHC 363 (Comm).

A good example of his workload was his instruction by *Goldman Sachs International* in its dispute under an \$800M loan arranged by Goldman in 2014 for a major Portuguese bank, Banco Espírito Santo. BES had to be rescued by the Portuguese central bank in 2014 and the loan was transferred (under the EU regime for bank rescue and recovery) to Novo Banco as the bridge bank. Novo Banco defaulted under the loan but asserted that the loan remained with BES. The lenders and Goldman Sachs issued proceedings in London in 2015 for recovery of the debts. Tim led for Goldman at the jurisdiction hearing before Hamblen J in July 2015, at which the jurisdiction of the English Court was upheld: [2015] EWHC 2371 (Comm). Tim represented Goldman Sachs before the Court of Appeal in 2016, when the court allowed the jurisdiction appeal: [2016] EWCA Civ 1092. Tim led for Goldman at the 2 day hearing in the Supreme Court in April 2018: [2018] UKSC 34; [2018] 1 WLR 3683.

Tim was leading counsel for *Property Alliance Group* in its dispute with RBS, involving issues as to mis-selling of swaps, LIBOR and GRG. The matter was transferred to the Financial List by The Chancellor due to its "test case" importance to the markets. Tim led for PAG at the 12 week trial before Asplin J that began in May 2016. Asplin J found against PAG: [2016] EWHC 3342 (Ch). PAG was granted permission to appeal by the Court of Appeal, the Master of the Rolls designating the matter a "test case" for claims against banks, including claims of swaps mis-selling, LIBOR manipulation and GRG. Following a 7-day hearing in February 2018, the Court of Appeal dismissed PAG's appeal on the facts albeit upholding, as a matter of law, an implied representation as to LIBOR manipulation and an implied term in relation to RBS's right to call for valuations of the portfolio: [2018] EWCA Civ 355; [2018] 1 WLR 3529. The case was widely reported in the press, including *The Times* and *The Lawyer*. An application for permission to appeal to the Supreme Court was refused.

Tim was leading counsel for KWL in a high profile \$450M claim against it by UBS, which related to credit default swaps, synthetic CDOs and portfolio management agreements. A jurisdiction hearing took place before Gloster J in July 2010. Gloster J dismissed the jurisdiction challenge: *UBS v KWL* [2010] EWHC 2566 (Comm). Tim led for KWL at the Commercial Court trial, which ran between April and July 2014. Males J handed down judgment for KWL on 4 November 2014:

[2014] EWHC 3615 (Comm). One of *The Lawyer's* of 2014, the trial and judgment attracted substantial . Tim led for KWL as Respondent to UBS's appeal to the , which was heard over 10 days in May 2017. The Court of Appeal gave judgment in favour of Tim's clients: [2017] EWCA Civ 1567. In April 2018, the Supreme Court dismissed UBS's application for permission to appeal.

Tim was instructed by the successful claimant, Taberna, to lead upon the appeal by Roskilde against the judgment of Eder J in favour of Taberna at the trial: *Taberna Europe v Roskilde Bank* [2015] EWHC 871 (Comm). The appeal, which raises issues under the Misrepresentation Act 1967, was heard by the Court of Appeal over 2 days in 2016: [2016] EWCA Civ 1262.

He led for the defendant in *J P Morgan Chase v Berliner Vekehrsbetriebe* , which concerned credit default swaps in the context of a synthetic CDO and is worth £250 million. The question of jurisdiction was considered by the Supreme Court, which made a reference to the ECJ. Tim represented BVG before the Supreme Court and ECJ. The ECJ having determined that the English court has jurisdiction - [2011] 1 WLR 2087 - the substantive dispute was tried by Flaux J in the Commercial Court between January and March 2014, settling shortly before its conclusion. This was one of *The Lawyer's* of 2014.

Tim is regularly consulted in relation to all manner of high profile banking matters. He was retained in relation to the LIBOR rate-fixing scandal and the FSA inquiry into it and announcements. He represented Guardian Care Homes, which brought one of the first civil claims based upon LIBOR rate-fixing and Swaps mis-selling: *Graiseley Properties Ltd and others v Barclays Bank plc* , featured in *The Lawyer's* of 2013. This matter settled in 2014.

Tim appeared in a second case featured in *The Lawyer's* Top 20 Cases of 2013, *CF Partners v Barclays Bank* , a breach of confidence claim in the Chancery Division arising out of a corporate finance deal involving carbon credits trading. Tim led for the claimant at the 10 week trial before Hildyard J which took place between May and July 2013. Judgment was handed down in CF Partners' favour for €10 million *Wrotham Park* damages on 24 September 2014: [2014] EWHC 3049 (Ch).

Tim appeared as leading counsel for HSBC in its claim as lender for some US\$100 million under revolving credit facilities and guarantees. The defences raised include alleged forgery of signatures and fraud on the part of the managing director of the borrower: *HSBC v Ahmad Hamad Algozaibi and Brothers Company*. The Commercial Court trial before Flaux J in June 2011 collapsed amidst widespread publicity with the defendants submitting to judgment. Tim led for HSBC at a hearing which dismissed the application by other banks (which were also judgment creditors of these defendants) to have HSBC's interim charging orders over certain of the defendants' assets set aside: [2011] EWHC 2444 (Comm), Flaux J.

Tim was instructed as leading counsel for the defendant in a dispute under a prime brokerage agreement concerning alleged FX trading losses and liabilities of over US\$3 billion, which arose at the height of the "credit crunch". The question of jurisdiction was heard by the Court of Appeal in April 2010: *Deutsche Bank v Sebastian Holdings Inc.* The Court of Appeal dismissed the appeal:

[2010] EWCA Civ 998.

Tim was instructed by Kaupthing Bank in relation to a claim against it by Lornamead Ltd in the Commercial Court. Kaupthing's application to strike out the proceedings on jurisdictional grounds was heard in February 2011 before Gloster J, who dismissed the application but gave leave to appeal to the Court of Appeal.

Tim was instructed as leading counsel for the *Agricultural Bank of Greece* in the Commercial Court action brought by *Merrill Lynch*. The dispute concerned an exotic structured derivative known as a "snowball".

Tim was retained by the defendants in *Deutsche Bank v Vik and Vik Millahue*, in which the claimant made restitutionary claims arising out of alleged mistakes occurring during the time of the worst of the turmoil in the financial markets. Tim successfully secured the striking out of the claim on jurisdictional grounds: Commercial Court 19 March 2010, Burton J.

Tim's experience of structured financial product disputes has been called upon in his instruction by one of the leading monoline insurers, MBIA. MBIA as claimant instructed Tim, alongside Jonathan Sumption KC, in relation to a Part 8 Claim proceeding in the Chancery Division: *LaCrosse and MBIA v The Royal Bank of Scotland*. The dispute concerned the termination of a credit derivative transaction. It settled shortly before trial in July 2010.

Tim was retained by a major US law firm to provide expert opinion evidence on English law in proceedings in The Netherlands arising out of the syndicated loan financing of a telecoms J.V.

His advice has regularly been sought in relation to disputes arising directly out of the credit crunch, variously involving derivatives, hedge funds and investors concerned at their exposure to troubled financial institutions and the collapse of the Icelandic banks in particular.

Civil fraud

Tim is listed as a Leading Silk in Civil Fraud by Chambers & Partners and Legal 500. Recent quotes from the legal directories about Tim's civil fraud practice include:

- "Tim is fantastically forensic, extremely elegant and persuasive on his feet with immense gravitas and leadership." (Chambers & Partners 2024, Civil Fraud)
- "Tim provides invaluable insight and depth of experience." (Chambers & Partners 2024, Civil Fraud)
- "He is a very forceful advocate who puts a strong case forward." (Chambers & Partners 2024, Civil Fraud)
- "A forceful and persuasive advocate with huge experience." (Legal 500 2024, Civil Fraud)
- "Tim is a vastly experienced senior silk with an excellent track-record in hard-fought fraud cases. An excellent choice for such cases." (Legal 500 2023)

- "He is fantastic, extremely tenacious and all over the details. He is committed to winning and very good at driving cases forward." "A ferocious opponent who is tenacious and fights for his clients with great vigour." "He is very intelligent, has a keen nose for the key issues, is incredibly efficient and truly wonderful to work with." (Chambers & Partners 2022)
- "He is an excellent leader and very effective cross examiner. He commands real client confidence and has strong courtroom presence." (Legal 500 2022)
- "A tenacious advocate." "Devastating in cross-examinations. He's incredibly effective and has a clear route plan for his cases." (Chambers & Partners 2021)
- "Great leader, who manages the team very effectively and keeps morale up - gives effective commercial advice and is a very powerful advocate." (Legal 500 2021)
- "An outstanding advocate. His real strength is his courtroom ability. He is fantastic at cross-examination." "Very commercial and very approachable." (Chambers & Partners 2019)
- "A superb advocate and master strategist." (Legal 500 2018-19)
- "Superb advocate. Very commercial and approachable. Great team player." (Chambers & Partners 2018)"

Tim has particular expertise in the area of civil fraud, in which keen forensic analysis and expert cross-examination are at a premium. His practice straddles insurance fraud (eg *Yaqoob v Royal Insurance* 2006, CA), financial fraud (eg *Cargill and Citibank v KPN and Qwest* 2008), business fraud (eg *Medina v Nijjar* 2005, QBD) and fraudulent claims in general (eg *Cooper v P&O Stena Line Ltd* [1999] 1 LI Rep 734, Admiralty). As part of his civil fraud practice, Tim has worked closely with experts in a variety of forensic fields eg accountancy, computing and software, data recovery. This aspect of his practice necessarily encompasses freezing injunctions, search orders and related procedural matters.

Tim is currently retained in a very substantial fraud and conspiracy dispute in an international setting raising issues choice of law and jurisdiction as well as the usual plethora of forensic points:

- *FESCO and Magomedov litigation*: Tim is instructed by Seladore on behalf of Mr Magomedov and his companies in relation to disputes around the world arising out of an alleged conspiracy to carry out a corporate raid on Mr Magomedov's assets, including his stake in the Far-Eastern Shipping Company PJSC ("FESCO") which controls the Port of Vladivostok, and his interest in the Novorossiysk Commercial Sea Port corporation ("NCSP). In July 2023, Mr Magomedov and his companies issued proceedings in the English Commercial Court in respect of the FESCO and NCSP conspiracies claiming \$13.8 billion, the largest ever (non-class) civil suit in this jurisdiction. Tim leads for the Claimants. The Claimants sought notification and freezing injunctions against various defendants at hearings before Butcher J: see [2023] EWHC 2655 (Comm) in relation to FESCO and [2023] EWHC 3134 (Comm) for NCSP. The Defendants' jurisdiction challenges are due to be heard over 3 weeks later in 2024.

Tim's other substantial fraud disputes include:

- *Palmali Shipping SA v Litasco SA* : Tim leads for the Defendant in these long-running proceedings brought by Palmali, a shipping company, against Litasco, an oil company and Swiss trading arm of Russian oil giant Lukoil PJSC, claiming loss of profits under a contract of affreightment signed in 2005 for the shipment of oil products around ports in the Black Sea and the Volga-Don canal. The claim was originally for £2 billion but has been reduced to £170 million following a successful reverse summary judgment application by Litasco before Foxton J. The case involves issues of fraud as well as other contractual defences. There are complex expert issues arising under Swiss company law, Maltese insolvency law, Russian law, forensic accountancy and shipping. The trial is set down for 10 weeks commencing in January 2025.
- *Rusal v Whiteleave, Potanin and Abromovich*: the parties are shareholders in Norilsk Nickel ("NN"), a Russian company that is one of the world's largest producers of nickel, palladium, platinum, rhodium, copper and cobalt. The claim is for breaches of a shareholder agreement entered into by the parties and their predecessors in 2012: the Framework Agreement. Rusal alleges that the Defendants breached their obligations under such agreement by (so it is alleged) diverting strategic business units and substantial sums out of NN's control, failing properly to manage NN's operations and failing properly to transfer shares in NN that were to stand as security under the Framework Agreement. Dishonesty and fraud are alleged. Rusal seeks various remedies under the agreement including damages, the right to acquire a percentage of Whiteleave's shares in NN and to have Mr Potanin removed as NN's General Director. Tim leads on behalf of the defendants Whiteleave and Mr Potanin. The action proceeds in the Commercial Court.

Tim's recent fraud practice has taken in the following recent matters:

- *Loreley 30 v Credit Suisse* [2023] 1 WLR 1425: Tim acted for the claimant in this \$100M claim arising out of the sale and structuring by the defendants of a synthetic CDO based upon a portfolio of RMBS (into which the US Dept of Justice had previously carried out an investigation). Tim led at the trial before Cockerill J, which took place over 9 weeks in 2023: [2023] EWHC 2759 (Comm)
- *The Ingenious Test Claim Trial* : this multiparty action arising out of the world of film finance was set down to be tried over 6 months in the Chancery Division by Mrs Justice Bacon starting in April 2022 but settled on the eve of the trial. Tim led for the Ingenious parties. One of *The Lawyer's* Top 20 Cases for 2022.
- *RAKIA v Azima*: Tim acted for Mr Azima in his long-running dispute against the Ras al-Khaimah sovereign wealth fund featuring allegations of hacking by RAKIA of Mr Azima's

confidential data. A 4 week trial took place in the Chancery Division in 2020: [2020] EWHC 1327 (Ch). An appeal to the Court of Appeal was heard in 2021 at which a retrial of such hacking claims was ordered: [2021] EWCA Civ 349 (CA). The retrial is listed for May 2024. Mr Azima has also been given permission to seek to rescind the original judgment against him on the basis that it was procured by fraud: [2022] EWHC 2727 (Ch).

- *Bank St Petersburg v Arkhangelsky*: Tim acted for Bank St Petersburg in a long running dispute tried over 6 months in the High Court. On 9th May 2018, Mr Justice Hildyard sitting in the Chancery Division gave judgment in favour of the Bank on its contractual claims and dismissed the \$500m counterclaim against the bank based on alleged "fraudulent raiding" of assets: [2018] EWHC 1077 (Ch). Tim appeared for BSP on the appeal to the Court of Appeal in 2020 at which a retrial of the counterclaim was ordered: [2020] EWCA Civ 408. In 2022, BSP succeeded again at such retrial before Trower J, with Tim leading for BSP: [2022] EWHC 2499 (Ch).

Over the past few years, Tim has been instructed as leading counsel in some of the most high profile cases in which fraud and dishonesty were alleged:

- *Slater & Gordon v Watchstone Group PLC (formerly Quindell PLC)* : Tim was leading counsel for the defendant in this £670m claim alleging fraud and breach of warranty arising in the context of a well- publicised acquisition by the claimant of certain of the defendant's businesses. The matter was listed for a 9 week trial in the Commercial Court starting in October 2019 but settled shortly before the trial.
- *Holyoake v Candy*: Tim acted for Christian and Nick Candy in the much publicised, £100m London property development claim featuring allegations of conspiracy, threats and intimidation. Tim led for the defendants at the 10 week Chancery Division before Nugee J. Judgment was handed down in favour of Tim's clients in December 2017: [2017] EWHC 3397 (Ch.)
- *Leeds City Council v Barclays Bank*: Tim led for the claimant local authorities in their claim to rescind long-dated financial instruments on the grounds of fraudulent misrepresentation. The case raised the topical issue of the test for reliance in cases of implied representations. The bank succeeded in striking out the claims before Cockerill J at a hearing in 2021: her judgment contains an important review of the jurisprudence in this area: [2021] EWHC 363 (Comm).
- *UBS v KWL* : very high profile \$450M structured finance dispute involving the Leipzig Water Company. The case involved allegations of bribery and corruption, as well as fraud. Tim led for KWL at the Commercial Court trial, which ran from April to July 2014. Males J handed down judgment in favour of KWL on 4 November 2014: [2014] EWHC 3615 (Comm). This was

one of The Lawyer's Top 20 Cases of 2014. Tim led for KWL as Respondent to UBS's appeal to the Court of Appeal, which was heard over 10 days in May 2017. The Court of Appeal gave judgment for Tim's client: [2017] EWCA Civ 1567. In April 2018, the Supreme Court dismissed UBS's application for permission to appeal.

international arbitration

Tim Lord KC is recommended as a leading Silk for International Arbitration by Legal 500. He has experience of arbitration in the commercial law areas described above, which matters are of course confidential. Recent examples include disputes arising out of overseas joint ventures, oil and gas disputes, banking transactions, alleged breach of warranty in corporate finance deals and hedge fund related litigation generated by the "credit crunch". Also, a number of TMT and defence procurement disputes.

Tim appeared for the defendants on an Arbitration Act challenge in the Commercial Court in May 2012:

- *Fortress v Blue Sky* [2012] EWHC 1486 (Comm), Blair J.
- In 2016, he led in a significant LCIA arbitration concerning a dispute between joint venture partners arising out of their international joint venture. Also in 2016, he was instructed in a number of other high profile banking and general commercial arbitrations.
- Tim was invited to address the Hong Kong International Arbitration Centre in April 2015 on banking and financial services disputes.
- In 2021, Tim led for the claimant in a \$1.3 billion claim concerning development of an oil field off the coast of Brazil at a 4 week final hearing in an ICC arbitration.

Tim is currently engaged in a very substantial LCIA Arbitration concerning a dispute over the shareholding in a major strategic Russian company.

Tim also accepts appointments to sit as an International Arbitrator, and has recently been appointed in a HKIAC matter in a substantial banking and finance dispute.

Energy and natural resources

Tim Lord KC is recommended as a leading Silk for Energy by Legal 500.

Recent quotes from the legal directories about Tim's energy practice include:

- "With justifiable status as a legend of the Bar, he is a brilliant advocate and a supreme strategist." (Legal 500 2023)
- "One of the leading silks at the Bar, he has an excellent strategic grip on his cases, is an adept and agile court performer, and a magnificent cross-examiner." (Legal 500 2022)
- "A tough operator with an incredible intellect who is user-friendly, tenacious and strategically astute." (Legal 500 2021)
- "Alert to opportunities that arise during the hearing and quick to exploit them in his client's interest." (Legal 500 2017)
- "Bright and easy to work with." (Legal 500 2016)
- "A bright, punchy advocate." (The Legal 500 2015)

Tim's experience when a City solicitor of major utilities privatisations provides an obvious backcloth to instructions in this field. He has often advised in relation to mineral exploitation and carbon trading credits claims.

Current natural resource cases of Tim's include:

- *Palmali Shipping SA v Litasco SA* : Tim leads for the Defendant in these long-running proceedings brought by Palmali, a shipping company, against Litasco, an oil company and Swiss trading arm of Russian oil giant Lukoil PJSC, claiming loss of profits under a contract of affreightment signed in 2005 for the shipment of oil products around ports in the Black Sea and the Volga-Don canal. The claim was originally for £2 billion but has been reduced to £170 million following a successful reverse summary judgment application by Litasco before Foxton J. The case involves issues of fraud as well as other contractual defences. There are complex expert issues arising under Swiss company law, Maltese insolvency law, Russian law, forensic accountancy and shipping. The trial is set down for 10 weeks commencing in January 2025.
- *Rusal v Whiteleave, Potanin and Abromovich* : the parties are shareholders in Norilsk Nickel ("NN"), a Russian company that is one of the world's largest producers of nickel, palladium, platinum, rhodium, copper and cobalt. The claim is for breaches of a shareholder agreement entered into by the parties and their predecessors in 2012: the Framework Agreement. Rusal alleges that the Defendants breached their obligations under such agreement by (so it is alleged) diverting strategic business units and substantial sums out of NN's control, failing properly to manage NN's operations and failing properly to transfer shares in NN that were to

stand as security under the Framework Agreement. Rusal seeks various remedies under the agreement including damages, the right to acquire a percentage of Whiteleave's shares in NN and to have Mr Potanin removed as NN's General Director. Tim leads on behalf of the defendants Whiteleave and Mr Potanin. The action proceeds in the Commercial Court.

Tim's recent energy cases include:

- *TGTL v CATS*: Tim led for the successful CATS parties in their £40M North Sea gas dispute with Teeside Gas Transportation Ltd, which was tried over 4 weeks in the Commercial Court before Mr Justice Butcher in February 2019: [2019] EWHC 1220 (Comm). Tim represented CATS again on the appeal to the Court of Appeal in 2020, which upheld the Judge and thus vindicated the CATS' parties claims: [2020] EWCA Civ 503.
- A \$1.3 billion dispute as to the development of an oil field off the coast of Brazil, in which Tim led for the claimant at an international arbitration hearing in 2021.

Professional negligence

Tim is listed as a Leading Silk in the field of Professional Negligence by Chambers & Partners and Legal 500.

Recent quotes from the legal directories about Tim's professional negligence practice include:

- "Tim Lord is a great advocate. He really immerses himself in the detail." (Chambers & Partners 2024, Professional Negligence)
- "Tim is a real fighter and is very good on cases where you need someone to commit and deal with difficult issues." (Chambers & Partners 2024, Professional Negligence)
- "A combative cross-examiner with an enthusiastic manner." (Legal 500 2023)
- "Our number one barrister on the most difficult cases. He's very strategic and runs teams well. He has the ear of the court and the judges respect him, which is a huge advantage to clients." "An outstanding advocate, a tenacious cross-examiner, and particularly strong on strategy. He picks holes and pursues evidence to the nth degree; he's a very strong tactician and engages with clients very well indeed." (Chambers & Partners 2022)
- "He is a strategic barrister who can find the weak spots and thereby apply pressure in litigation. He's a very strong cross-examiner and is very tenacious." "Enormously respected by the judges." "Extremely good and well prepared." (Chambers & Partners 2021)
- "Clients are left in no doubt that he is in their corner." (Legal 500 2021)
- "He is really excellent for financial matters." "He is very impressive and easy to work with. He is on top of things and can develop a sensible strategy for a difficult case. Effective in court." (Chambers & Partners 2019)
- "He is very quick to grasp the essence of a case and the point upon which the case will be

decided." (Legal 500 2018-19)

- "A punchy, effective barrister." (Chambers & Partners 2018)
- "A fabulous courtroom operator. Very bright and very user-friendly." (Chambers & Partners 2018)
- "Clients love him because he is incredibly enthusiastic and very good at strategy." (Chambers & Partners 2018)

Tim Lord KC has been instructed in some of the largest professional negligence actions seen in the High Court. He was retained by the claimant insurers as the senior junior in The Tag Litigation, which was group litigation against 600 solicitors' firms arising out of the collapse of an ATE insurance scheme. This case started in the Commercial Court in 2005 and settled shortly before trial in 2008. Tim was instructed in Silk in relation to another substantial solicitors' negligence action in the Commercial Court (*Axa Insurance Ltd v Various firms of solicitors*). Judgment was given by Flaux J in the *Axa* litigation, following a trial of the preliminary issue of limitation which raised difficult questions of when a cause of action in negligence arose in relation to a breach of duty that was said to have led to the insurer entering a policy it would not otherwise have done: *Axa Insurance Ltd v Akther & Darby Solicitors & Others*, Commercial Court 27 March 2009, Flaux J. The Court of Appeal gave judgment in November 2009 including permission to appeal to the Supreme Court. The action has since settled.

Tim has experience of all types of professional negligence litigation: insurance brokers, accountants, barristers, solicitors (he was originally a solicitor in the City), surveyors, architects and engineers. He has recently been instructed by a major City firm in relation to applications concerning it in the Commercial Court.

Tim was retained by the Ingenious Media Group in relation to much publicised disputes concerning film finance investment products:

The Ingenious Test Claim Trial. This multiparty action arising out of the world of film finance was set down to be tried over 6 months in the Chancery Division by Bacon J starting in April 2022 but settled on the eve of trial. One of *The Lawyer's* Top 20 Cases for 2022, Tim led for the Ingenious parties.

Another recent case is *Watchstone v PwC*: Tim acted for the claimant in this breach of confidence claim arising out of the allegedly wrongful disclosure by the defendant of confidential information during a corporate finance deal. Tim led at the trial before Jacobs J in 2023: [2023] EWHC 1133 (Comm).

Another high-profile case Tim was recently involved in was *Uralkali v Rowley and Baker*: Tim represented the claimant in the trial in 2020 before Miles J in the Chancery Division of claims arising from the way in which the defendants discharged their duties as administrators in respect of the administration of the Force India Formula One motor racing team. The claimant alleged negligence in the bidding process which culminated in the claimant losing out in its attempt to acquire such F1 Team: [2020] EWHC 3442 (Ch).

Tim's versatility meant he was instructed by The National Trust in its TCC claim against IBM in relation to the upgrade of The Trust's CRM system.

TMT (Telecoms/Media/Technology)

Tim's practice has in recent years included a substantial TMT element. This has included litigation over matters as varied as: satellite broadcasting (*Premier Telesports v The Racecourse Association* 2003 Commercial Court); software licences relating to the provision of financial and trading information to City institutions; a merchandising and CD contract (*Ministry of Sound v World Online Ltd* [2003] 2 AER (Comm) 823); a media rights agreement (*Attheraces v RCA* 2006 Commercial Court).

Tim continues to be instructed in the field of Telecoms/Media/Technology. He was retained by Ingenious Media Limited in a claim in the High Court against them by Ministry of Sound concerning alleged misrepresentation and misstatement in relation to Trinity Street: *MSHK Ltd v Ingenious Media Limited & Others*, QBD 2009.

The National Trust v IBM : Tim led for the National Trust in their claim in the TCC against IBM in relation to the Trust's CRM system.

Tim is retained in relation to ongoing disputes arising out of well publicised film finance investment products.

Tim has been instructed in several music industry and publishing disputes for very high profile clients.

Insurance and reinsurance

Tim has extensive experience of insurance and insurance-related litigation covering a wide variety of matters. He has been instructed in relation to the usual forms of policy and coverage disputes: an early example being *MMI v Sea Insurance* [1996] LRLR 265, CA (reinsurance) and a recent example *Standard Life v Oak Dedicated Ltd* [2008] LI Rep IR 552, Commercial Court (insurance). He is also a popular choice of insurers in substantial subrogated recovery actions and in environmental and pollution disputes (eg *Butcher Robinson & Staples v London Regional Transport* [1999] 35 EG 165; *Thames Water v London Underground* 95 ConLR 127).

Based upon his reputation for forensic analysis and cross-examination, he has particular experience in insurance fraud litigation (eg *Yaqoob v Royal Insurance* 2006 CA). This is a fast-growing area of practice. He is recommended as a leading practitioner in this field in the directories.

Conflicts

Tim Lord KC has significant experience of conflict of laws and jurisdictional disputes. The context might be insurance (*Butcher v Yellow Book 2004 Commercial Court*), banking (*Barclays v SSR 2005-6 Commercial Court*), software and licensing (confidential media/technology dispute 2004 Commercial Court) or employment (*Benfield v Richardson 2007 QBD*). The issue of anti-suit injunctions frequently arises (eg *Butcher, Benfield*). Tim was engaged as an expert witness in a dispute in the Dutch courts over whether English or Dutch law applies to a substantial piece of banking and finance litigation. He has given expert opinion evidence in an action in the New York Court concerning monoline insurance and a complex structural financial transaction and most recently in relation to an insolvency dispute before the French Courts.

The FESCO and Magomedov litigation is a major cross-border dispute. Tim is instructed by Seladore on behalf of Mr Magomedov and his companies in relation to disputes around the world arising out of an alleged conspiracy to carry out a corporate raid on Mr Magomedov's assets, including his stake in the Far-Eastern Shipping Company PJSC ("FESCO") which controls the Port of Vladivostok, and his interest in the Novorossiysk Commercial Sea Port corporation ("NCSP). In July 2023, Mr Magomedov and his companies issued proceedings in the English Commercial Court in respect of the FESCO and NCSP conspiracies claiming \$13.8 billion, the largest ever (non-class) civil suit in this jurisdiction. Tim leads for the Claimants. The Claimants sought notification and freezing injunctions against various defendants at hearings before Butcher J: see [2023] EWHC 2655 (Comm) in relation to FESCO and [2023] EWHC 3134 (Comm) for NCSP. The defendants' jurisdiction challenges are due to be heard over 3 weeks later in 2024.

The credit crunch threw up lots of cross-border issues and Tim has appeared in many jurisdiction challenge hearings over recent years:

- *Goldman Sachs International v Novo Banco S.A.* [2015] EWHC 2371 (Comm), Hamblen J; [2016] EWCA Civ 1092, CA
- *JP Morgan Chase v BVG* [2010] QB 276, Teare J; [2010] EWCA Civ 390, CA.
- *Deutsche Bank v Sebastian Holdings* [2009] EWHC 2132 (Comm), Paul Walker J; [2010] 1 All ER (Comm) 808, Burton J; [2010] EWCA Civ 998, CA; Supreme Court, November 2010; [2011] 1 WLR 2087, ECJ.
- *Deutsche Bank v Vik and Vik Millahue* [2010] EWHC 551 (Comm), Burton J.
- *UBS v KWL* [2010] EWHC 2566 (Comm), Gloster J.
- *Katsouris Bros. Ltd v Haitoglou Bros. SA*, Commercial Court, 14 January 2011, Eder J.
- *Lornamead Acquisitions Ltd v Kaupthing Bank hf* [2011] EWHC 2611 (Comm), Gloster J.

Other areas

Technology and Construction

Tim has been instructed in several high value disputes raising complex technical issues (eg *Piper v Clifford Kent* 2003, CA; *Thames Water v LUL* 2005 TCC). He is adept at leading and co-ordinating multi-disciplinary teams including a variety of expert disciplines. Judgment was given on 1 May 2009 in *Siemens Ltd v Supershield Ltd*, a TCC trial before Ramsey, J in which Tim appeared for Siemens. The appeal to the Court of Appeal in December 2009 considered the important recent House of Lords case on remoteness of damage in contract and the rule in *Hadley v Baxendale* (*Transfield Shipping v. Mercator Shipping, The Achilleas*): *Supershield Ltd. v Siemens* [2010] 1 Lloyd's Rep 349, CA.

He was leading counsel for the National Trust in its TCC dispute with IBM arising out of the Trust's CRM system.

Sports Law

The fact that Tim Lord KC achieved a First in Law at Cambridge University whilst also representing the University at first class rugby (Blue 1986) and cricket (now a playing member of the MCC) means that he combines "brains with brawn". This makes him an attractive and suitable choice as a Silk in disputes in the context of sport. He has particular experience of the horse racing industry.

Procedure

Tim has over the years done his fair share of litigation as to the civil procedure rules, especially at appellate level (ie *Budgen v Andrew Gardner Partnership* [2003] CP Rep 8, CA; *Vinos v Marks & Spencer Plc* [2001] 3 AER 784, CA; *Nangleman v Royal Free* [2002] 1 WLR 1043, CA; *Dunnett v Railtrack Plc* [2002] 1 WLR 2434, CA).

He led for *HSBC* at a hearing which established that other judgment creditor banks were not entitled to have HSBC's interim charging orders set aside in favour of such other judgment creditors: [2011] EWHC 2444 (Comm), Flaux J. This hearing followed on from the *HSBC v AHAB* trial in June 2011

Tim has appeared in several high profile hearings concerning the scope of a bank's claim to legal professional privilege in connection with regulatory investigations: *PAG v RBS* [2015] EWHC 1557 (Ch), Birss J.

Qualifications & Further Information

Qualifications

M.A. Hons. Law (Cantab.) 1987: First Class

Elected Life Scholar, Christ's College Cambridge (1987)

Christ's College Scholarship (1984, 1985 and 1986)

De Hart Prize (1985, 1986 and 1987)

Rapaport Prize (1985)

Other

Bencher of the Inner Temple

Personal

Tim Lord KC is married to Amanda (née Green), who was a commercial barrister herself for 12 years before founding and running a legal and professional services consultancy. Tim played rugby and cricket for Cambridge University (Rugby Blue 1986) and is a playing member of the MCC. When time permits he plays some cricket and golf, sails and skis. He is an active supporter of the Christ's College, Cambridge alumni programme and his local church.

He is a member of COMBAR, the Professional Negligence Bar Association and the London Common Law and Commercial Bar Association, of which he was Honorary Secretary for six years.

He was elected a Bencher of the Inner Temple in July 2013.

Directory Quotes

- "One of the brightest minds at the Bar. He is an incredible cross-examiner and a great strategist." (Chambers & Partners 2024, Commercial Dispute Resolution)
- "Tim Lord really immerses himself in the detail. A really great guy and a can-do advocate, he has a lot of energy and is just a pleasure to work with." (Chambers & Partners 2024, Commercial Dispute Resolution)
- "Tim is hands-on and very client friendly." (Chambers & Partners 2024, Commercial Dispute Resolution)
- "Tim Lord is a great advocate. He really immerses himself in the detail." (Chambers & Partners 2024, Professional Negligence)
- "Tim is a real fighter and is very good on cases where you need someone to commit and deal with difficult issues." (Chambers & Partners 2024, Professional Negligence)
- "Tim is fantastically forensic, extremely elegant and persuasive on his feet with immense gravitas and leadership." (Chambers & Partners 2024, Civil Fraud)
- "Tim provides invaluable insight and depth of experience." (Chambers & Partners 2024, Civil

Fraud)

- "He is a very forceful advocate who puts a strong case forward." (Chambers & Partners 2024, Civil Fraud)
- "His views are excellent and considered." (Chambers & Partners 2024, Banking)
- "Tim is a strong trial advocate, personable, and hard-working. He is one of the top commercial and banking litigators." (Chambers & Partners 2024, Banking)
- "The best of his generation. He is sensibly aggressive, and deeply forensic. He has a laser-like approach to exposing wrongdoing and expertly frames the key issues. His rich experience gives him the ability to cut through the undergrowth to expose the killer points for all to see." (Legal 500 2024, Commercial Litigation)
- "Incredibly astute, both legally and strategically. Fabulous advocate." (Legal 500 2024, International Arbitration Counsel)
- "Excellent leader of the team, great people skills, excellent in court, particularly in cross-examination, has a good commercial sense and gives incisive and realistic advice." (Legal 500 2024, Professional Negligence)
- "A forceful and persuasive advocate with huge experience." (Legal 500 2024, Civil Fraud)
- "Tim has an incredible instinct as to where the weaknesses in a case are. He is second to none strategically." (Chambers & Partners 2023)
- "He is a very committed advocate for his clients." (Chambers & Partners 2023)
- "Tim is very clear in how he presents arguments." (Chambers & Partners 2023)
- "A powerful strategist who is clearly invested in the matters on which he works." (Chambers & Partners 2023)
- "Tim's reputation as one of the leading silks at the commercial bar is fully justified. He is a masterful litigation strategist and second-to-none in terms of his ability to sniff out and exploit the weaknesses in the other side's case. He is a first-rate advocate and his tenacious and effective cross-examination is particularly notable. He is also an effective leader of large counsel teams on the most complex matters." (Legal 500 2023, Commercial Litigation)
- "Tim is a vastly experienced senior silk with an excellent track-record in hard-fought fraud cases. An excellent choice for such cases." (Legal 500 2023, Civil Fraud)
- "A titan in this area." (Legal 500 2023, Banking & Finance)
- "Tim is an absolute star. He is one of the most persuasive and intelligent advocates at the commercial Bar. He is adept at thinking on his feet and reading his audience." (Legal 500 2023, International Arbitration Counsel)
- "A combative cross-examiner with an enthusiastic manner." (Legal 500 2023, Professional Negligence)
- "With justifiable status as a legend of the Bar, he is a brilliant advocate and a supreme strategist." (Legal 500 2023, Energy)
- "Extremely dynamic and energetic, he forms a strategic vision and ruthlessly pursues it. He exerts true leadership in a case and provides direction." (Chambers & Partners 2022, Commercial Litigation)
- "He is fantastic, extremely tenacious and all over the details. He is committed to winning and very good at driving cases forward." "A ferocious opponent who is tenacious and fights for

his clients with great vigour." "He is very intelligent, has a keen nose for the key issues, is incredibly efficient and truly wonderful to work with." (Chambers & Partners 2022, Civil Fraud)

- "Our number one barrister on the most difficult cases. He's very strategic and runs teams well. He has the ear of the court and the judges respect him, which is a huge advantage to clients." "An outstanding advocate, a tenacious cross-examiner, and particularly strong on strategy. He picks holes and pursues evidence to the nth degree; he's a very strong tactician and engages with clients very well indeed." (Chambers & Partners 2022, Professional Negligence)
- "He is a tough advocate and a real fighter." "He inspires confidence in clients and has shown the ability to lead and win the largest and most complex trials. He has hugely impressive strategic judgement." (Chambers & Partners 2022, Banking)
- "A very-effective cross-examiner who commands strong client confidence. Excellent nose for detecting where a trail goes in the evidence. Very strong tactician." (Legal 500 2022, International Arbitration Counsel)
- "One of the leading silks at the Bar, he has an excellent strategic grip on his cases, is an adept and agile court performer, and a magnificent cross-examiner." (Legal 500 2022, Energy)
- "Tim is a very robust and tough trial opponent and a real fighter. He is also very effective in disclosure applications." (Legal 500 2022, Banking & Finance)
- "He is an excellent leader and very effective cross examiner. He commands real client confidence and has strong courtroom presence." (Legal 500 2022, Civil Fraud)
- "An excellent advocate. He works exceptionally hard and is always thoroughly prepared. His oral advocacy skills are impressive." (Legal 500 2022, Commercial Litigation)
- "A tenacious advocate." "Devastating in cross-examinations. He's incredibly effective and has a clear route plan for his cases." (Chambers & Partners 2021, Civil Fraud)
- "He is a strategic barrister who can find the weak spots and thereby apply pressure in litigation. He's a very strong cross-examiner and is very tenacious." "Enormously respected by the judges." "Extremely good and well prepared." (Chambers & Partners 2021, Professional Negligence)
- "As well as being highly intelligent and an expert in the law, he has a very good grasp of litigation and commercial tactics and is a particularly skilled and intrepid advocate." "He is incredibly effective and spends a lot of time preparing the case. As a result he has a clear route plan and gets exactly what the client needs." (Chambers & Partners 2021, Commercial Litigation)
- "He has very deep experience in acting against the investment banks and has a great nose for things like disclosure and evidence and picking out the holes." "He is a very persistent and tenacious advocate and in loads of high-profile cases." (Chambers & Partners 2021, Banking)
- "Robust and punchy advocate, fights the fight for his client with energy and skill." (Legal 500 2021, Commercial Litigation)
- "Great leader, who manages the team very effectively and keeps morale up - gives effective commercial advice and is a very powerful advocate." (Legal 500 2021, Fraud)
- "An excellent advocate - he has boundless enthusiasm for the law, making it fun to work with

him." (Legal 500 2021, Banking)

- "A tough operator with an incredible intellect who is user-friendly, tenacious and strategically astute." (Legal 500 2021, Energy)
- "Clients are left in no doubt that he is in their corner." (Legal 500 2021, Professional Negligence)
- "Arguably one of the top five advocates of his generation. Absolute incredible intellect, but nevertheless approachable and user-friendly." (Legal 500 2021, International Arbitration Counsel)
- "Tim Lord KC is a significant member of one of the "best banking practices at the bar", renowned for his "very successful" record in banking disputes." (Who's Who Legal - UK Bar: Banking & Finance 2020)
- "A superb advocate who leads cases involving high-profile conspiracy claims, swaps missellings, LIBOR misrepresentations and general loan disputes. He acts both for and against banks in market-leading cases and has additional broader experience within the professional negligence and civil fraud arenas. Commentators admire his forthright and robust advocacy." "He is brilliant fun, has boundless energy and is a really good barrister." "He is excellent to work with and a very powerful and well-prepared advocate - one of the leading team players at the Bar." (Chambers & Partners 2020)
- "Takes on a highly varied stream of work in the professional negligence ambit, although he is particularly valued for his work on claims relating to financial and banking professionals. His cross-examination skills elicit admiration from instructing solicitors." "He has a common-sense approach to the case that is quite pragmatic, cutting through the nonsense and getting to the heart of the matter." "He's effective and is a great advocate." (Chambers & Partners 2020)
- "A barrister of considerable versatility whose civil fraud practice is bolstered by his know-how in such areas as banking and finance, energy, professional negligence and insurance. He commands recognition for his effective courtroom advocacy." "His cross-examination is a joy to watch." "He earns the confidence of the client through his charm and willingness to roll up his sleeves." (Chambers & Partners 2020)
- "Hugely experienced, he's a fantastic advocate who gives good strategic advice." "He inspires confidence and is quick to grasp the issues in a case and identify the most salient points." (Chambers & Partners UK & Global 2020)
- "Very creative and a fantastic advocate - he's very personable and fun to work with." (Legal 500 2020)
- "Perhaps one of the finest advocates of his generation." (Legal 500 2020)
- "The standout barrister of choice." (Legal 500 2020)
- "He is client friendly and a persuasive advocate." (Legal 500 2020)
- Tim Lord KC is a "very tenacious advocate" who has "one of the best banking practices at the bar". He has extensive knowledge in capital markets, corporate finance and banking matters. (Who's Who Legal - UK Bar: Banking & Finance 2019)
- "If you have a tough, large, complex case, Tim will attack it with commitment, energy, ingenuity, dynamism and practical commerciality. He is hard, fair, intelligent and relentless in

his cross-examination, and is someone who can turn a case." "He remains the number-one choice for any party involved in a significant dispute with an investment bank. Clients have confidence in him and he has shown the ability to lead and win the largest and most complex trials." (Chambers & Partners 2019)

- "Has a very good grasp of legal and commercial tactics, and is a particularly skilled and intrepid advocate." "An exceptional cross-examiner who's thoroughly prepared but also fantastic when he has to go off-piste." (Chambers & Partners UK & Global 2019)
- "An outstanding advocate. His real strength is his courtroom ability. He is fantastic at cross-examination." "Very commercial and very approachable." (Chambers & Partners 2019)
- "He is really excellent for financial matters." "He is very impressive and easy to work with. He is on top of things and can develop a sensible strategy for a difficult case. Effective in court." (Chambers & Partners 2019)
- "Rightly regarded as a go-to silk to lead large teams in the most complex and high profile disputes." (Legal 500 2018-19)
- "A strong trial advocate with an engaging manner." (Legal 500 2018-19)
- "A superb advocate and master strategist." (Legal 500 2018-19)
- "He is very quick to grasp the essence of a case and the point upon which the case will be decided." (Legal 500 2018-19)
- "Tim Lord KC is "a big star in the banking world" who is warmly described as "a strong courtroom advocate and strategist who is also technically excellent" by impressed sources." (Who's Who Legal - UK Bar: Banking & Finance 2018)
- "As well as being highly intelligent and an expert on the law, he has a very good grasp of litigation and commercial tactics, making him a particularly skilled and intrepid advocate." "The absolute doyen of structured instruments, he is charming, very easy to deal with and very strategic." "His real strengths are his cross-examination and advocacy skills; he thrives in court." (Chambers & Partners 2018)
- "Has a very good grasp of litigation and commercial tactics, and is a particularly skilled and intrepid advocate." "Quick to grasp issues and identify the most salient points." (Chambers & Partners 2018)
- "Superb advocate. Very commercial and approachable. Great team player." "A fabulous courtroom operator. Very bright and very user-friendly." (Chambers & Partners 2018)
- "A punchy, effective barrister." "A fabulous courtroom operator. Very bright and very user-friendly." "Clients love him because he is incredibly enthusiastic and very good at strategy." (Chambers & Partners 2018)
- "Very commercial and dogged with a great strategic approach." (Legal 500 2017)
- "A very good lawyer and advocate, and an excellent project manager." (Legal 500 2017)
- "Alert to opportunities that arise during the hearing and quick to exploit them in his client's interest." (Legal 500 2017)
- "The most tenacious advocate and cross-examiner." (Legal 500 2017)
- "Unrivalled people skills." (Legal 500 2017)
- "Tim Lord KC has a strong international practice, with significant experience handling heavy weight disputes arising out of the Middle East, the East Asia and Russia. He stands out to

peers and clients for his "ability to win very hard cases". (Who's Who Legal - UK Bar: Banking & Finance 2017)

- "A brilliant advocate who is able to get to the heart of a dispute very quickly." (Chambers & Partners 2017)
- "He has an excellent client manner. He is a forceful and compelling advocate." "His advocacy is superb and he is fearless in his approach to a case." (Chambers & Partners 2017)
- "A fantastic technician and superb cross-examiner who is very client-friendly." "Good, clear, logical and thorough, he gets on well with clients and solicitors without exception. He's always a pleasure to work with." (Chambers & Partners 2017)
- "A formidable opponent. He is fantastically good at dealing with difficult factual cases and at working out which buttons he needs to press to get the judge on his side." "He is a fighter who is extremely good in court and is very tenacious." (Chambers & Partners 2017)
- "A brilliant advocate with a user-friendly style and a powerful intellect." (Legal 500 2016)
- "He is a fantastic advocate – very bright and proactive." (Legal 500 2016)
- "Bright and easy to work with." (Legal 500 2016)
- "Will always move heaven and earth to make sure that his clients win." (Legal 500 2016)
- "Exceptional ability." (Legal 500 2016)
- "He is an outstanding barrister who is very personable and easy to work with. Immensely approachable and committed, he lives the case as much as the client does." "He is in his element when cross-examining. He doesn't just stick to a script but can go off-piste down very helpful routes." (Chambers & Partners 2016)
- "He has outstanding courtroom presence, strategic vision and technical cross-examination skills." (Legal 500 2015)
- "A standout silk." (Legal 500 2015)
- "A bright, punchy advocate." (Legal 500 2015)
- "The "greatly respected" Tim Lord KC is "definitely not someone you want to come up against in court" as one peer stated. He has been involved in a "wealth of significant commercial disputes" including UBS v KWL, CF Partners v Barclays Bank and JP Morgan v BVG." (Who's Who Legal UK Bar 2015)
- "He's intelligent, tenacious and innovative. He handles teams brilliantly and inspires confidence in clients." "He has charisma, strategic nous and vision, and is a consummate cross-examiner." (Chambers & Partners 2015)
- "A genuine fighter who is capable of standing up to difficult points. He has a great rapport with the judge and is a very entertaining advocate. He's super-jolly and fun to work with." "His cross-examination was superb: it was very thorough, very carefully put and very thoughtful. He's a great strategist and he really understands client management." (Chambers & Partners 2015)
- "Held in high regard by instructing solicitors for his engaging advocacy skills, as well as his user-friendliness. He handles heavyweight commercial matters, and has a particular focus on complex and high-profile banking and finance disputes." (Chambers & Partners 2015)