

Alex Potts KC

Call 2000 Silk 2018



Alex Potts KC's practice covers all areas of commercial litigation, international arbitration, private and public international law, and public law and regulatory disputes.

Alex has extensive experience of complex disputes in the fields of banking, financial services, investment funds, (re)insurance, professional negligence, IT, telecommunications, shipping, commodities, company law, trusts, fraud, asset recovery, and contentious insolvency.

Alex's practice also covers public law, human rights law, constitutional and administrative law (including the laws of the British Overseas Territories), regulatory law, Sanctions law, employment law, construction, planning and property law, and environmental law.

In addition to his English law practice, both in the Business and Property Courts, the Commercial Court, and in arbitration, Alex has been admitted to the Bars of Bermuda, the Cayman Islands, the British Virgin Islands, St Helena, the DIFC Courts, the ADGM Courts, and the AIFC Courts and Alex maintains a diverse international 'offshore' practice.

As a result, Alex has conducted cases and appeared as Leading Counsel before a variety of trial courts, appellate courts, arbitration tribunals, and regulatory tribunals, including a series of recent appeals before the Privy Council, the European Court of Human Rights, the Court of Appeal for Bermuda, and the Court of Appeal for the Cayman Islands.

In addition to his trial and appellate work, Alex is frequently instructed as counsel in international arbitrations and mediations. Alex has particular experience of arbitrating international insurance/reinsurance disputes associated with 'the Bermuda Form' and the Bermuda insurance markets, as well as arbitrations involving international projects and joint ventures involving Bermuda, Cayman Islands, and BVI structures. Alex also accepts appointments as an Arbitrator and as an Expert Witness.

Alex accepts appointments as an Arbitrator. Alex is a Fellow of the Chartered Institute of Arbitrators, and he is on the lists of arbitrators maintained by the arbitration centres of Bermuda, the Cayman Islands, and the British Virgin Islands. Alex is also appointed to act as a Senior Decision Maker of the Guernsey Financial Services Commission. Alex is also frequently instructed as an Expert Witness on issues of English and 'offshore' law before international Courts and Arbitration Tribunals.

Recommendations

Chambers Global 2023: Alex Potts KC is “well versed in shareholder disputes and insolvency proceedings”

Chambers Global 2023: Alex’s “legal expertise has helped ... with highly complex and sensitive legal matters ... each one handled with care and professionalism”.

Legal 500 2023: Alex has “appeared before the various [offshore] courts in trials and applications, with recent highlights including big-ticket asset recovery proceedings”

Chambers Global 2022: Alex is “an experienced practitioner who is noted ... for his insolvency expertise.”

Chambers Global 2021: Alex is a “very good lawyer in terms of analysing the law. His written work is first-class and he is an effective advocate”

Banking and Financial Services

Alex has extensive experience of banking and financial services disputes, both ‘onshore’ and ‘offshore’.

Featured Banking and Financial Services cases

AerCap Ireland Ltd v AIG Europe SA & Ors [2024] EWHC 144 (Comm), Application for non-party disclosure order against Reinsurance Brokers in context of aviation insurance and reinsurance claims, effect of Russian Sanctions laws under Regulations 28, 29, 29A of Russia (Sanctions) (EU Exit) Regulations 2019

MaplesFS Limited v B&B Protector Services Limited and PJSC National Bank Trust and PJSC Bank Otkritie Financial Corporation, FSD 213 of 2021 DDJ, judgment dated 14 July 2022 (Substituted Service and Forum Non Conveniens, Cayman Islands STAR trust, Firewall Provisions)

CBM Agente de Valores v PPF Life Assets Fund [2016] SC (Bda) 76 Com (closed-ended mutual fund; contributory’s winding up petition on just and equitable grounds; loss of substratum; Mareva (freezing) injunction; post-petition dispositions and validation orders under section 166 of the Companies Act 1981)

Kingate Global Fund Ltd et al v Kingate Management Ltd et al [2016] Bda LR 4 (claims against fund managers and fund directors)

Kingate Global Fund Ltd et al v Kingate Management Ltd et al [2015] SC (Bda) 65 Com (claims against fund managers and fund directors)

Phoenix Global and Phoenix Capital v Citigroup & Bank of Bermuda [2009] Bda LR 70 (claims against fund administrators and fund custodians)

Phoenix Global and Phoenix Capital v Citigroup & Bank of Bermuda [2009] Bda LR 68 (Court dismissed claims by two insolvent hedge funds against fund administrators and custodians; duties of fund service providers; duties of fund directors and fund managers; use of expert evidence; attribution; loss of a chance; ex turpi causa; contributory negligence; mitigation; Bye-law indemnities and exculpation clauses; ratification; sections 98B and 281 of the

Companies Act 1981)

Phoenix Global and Phoenix Capital v Citigroup & Bank of Bermuda [2007] Bda LR 61 (Court ordered security for costs against insolvent hedge fund companies acting as nominal plaintiffs; third party funders; abuse of process; non-party costs orders; overriding objective and rights to a fair trial)

In the matter of Stewardship Credit Arbitrage Fund Ltd [2008] Bda LR 67 (Court appointed provisional liquidators over hedge fund (Petters feeder fund); rights of redeemed investor and status as creditor; inability of fund to restate NAV in the event of mistake; winding up on insolvency and just and equitable grounds)

Civil Fraud

Alex has extensive experience of civil and commercial litigation involving allegations of fraud and dishonesty, as well as asset tracing and judgment enforcement strategies.

Featured Civil Fraud cases

Chishti v Afiniti Ltd. [2023] SC (Bda) 98 Civ, Application to strike-out inadmissible evidence in advance of trial of claims for advancement of legal fees and expenses under Directors & Officers indemnification agreement between former CEO and Company

LXT Real Estate Broker LLC v SIR Real Estate LLC, DIFC Court of First Instance, CFI 050/2023 Order and Judgment dated 27 September 2023, Successful opposition to Claimant's application for interim injunction, 'no serious issue to be tried' under contract governed by DIFC law and subject to DIFC jurisdiction

LXT Real Estate Broker LLC v SIR Real Estate LLC, Dubai International Financial Centre Court, Claim No CFI 050/2023, Application for costs in favour of successful Respondent, and interim payment on account of costs pending assessment, following dismissal of injunction application

[*MaplesFS Limited v B&B Protector Services Limited and PJSC National Bank Trust and PJSC Bank Otkritie Financial Corporation*, FSD 213 of 2021 DDJ](#), judgment dated 14 July 2022 (Substituted Service and Forum Non Conveniens, Cayman Islands STAR trust, Firewall Provisions, allegations of fraudulent dispositions, and asset tracing into a Cayman Islands trust)

Linden Capital v Luckin Coffee Inc, Grand Court of the Cayman Islands, FSD 82 of 2020, judgments dated 4 June 2020 and 3 August 2020 (NASDAQ listed Chinese coffee business, Worldwide Mareva / Freezing Order Injunction, Ancillary disclosure application, Extended Definition of Assets, Unjustified Risk of Dissipation and Ordinary and Proper Course of Business, Appointment of Provisional Liquidators)

Re Titan Petrochemicals Group Limited [2021] SC Bda 63 Civ (creditor's winding up petition, disputed debt, cross-border allegations of fraud)

CBM Agente de Valores v PPF Life Assets Fund [2016] SC (Bda) 76 Com (closed-ended mutual fund; contributory's winding up petition on just and equitable grounds; loss of substratum; Mareva (freezing) injunction; post-petition dispositions and validation orders under section 166 of the Companies Act 1981)

Grayken v Grayken [2011] Bda LR 15 (Amendments of pleadings after expiry of limitation period; allegations of fraud)

disallowed by Court of Appeal)

In the matter of Stewardship Credit Arbitrage Fund Ltd [2008] Bda LR 67 (Court appointed provisional liquidators over hedge fund (Petters feeder fund); rights of redeemed investor and status as creditor; inability of fund to restate NAV in the event of mistake; winding up on insolvency and just and equitable grounds)

Oil Basins Ltd v Conticommerce SA & Fondation Anora [2012] Bda LR 7 (Interpleader procedure under RSC Order 17; scope of Court's jurisdiction to vary interim Orders)

Commercial Litigation

Alex has a wide-ranging commercial litigation practice, both 'offshore' and 'onshore', including insolvency disputes, shareholder disputes, trusts disputes, jurisdictional disputes, and contractual disputes.

Featured Commercial Litigation cases

Company law

- *Re Virginia Solution SPC Ltd*, Cayman Islands Court of Appeal, No 4 of 2022, Application for leave to appeal to Judicial Committee of Privy Council, no statutory right of appeal against dismissal of winding up Order, test for leave to appeal on discretionary grounds, interim stay pending application for special leave to appeal
- *Re Virginia Solution SPC Limited*, Cayman Islands Court of Appeal, CICA Civ No 4 of 2022, Successful appeal to the Court of Appeal of the Cayman Islands against a winding up Order made at trial on contributory's petition; quasi-partnership allegations and 'just and equitable' considerations under Cayman Islands law; availability of alternative remedies under Cayman Islands law
- *Re Virginia Solution SPC Ltd*, CICA Civil Appeal 004 of 2022, Cayman Islands Court of Appeal, Successful application for costs of appeal against winding up order, including reversal of costs orders below, interim payment orders, and orders that unsuccessful respondent petitioner pay all the costs thrown away by the liquidation and appointment of liquidators
- *Re Changyou.com Limited*, Court of Appeal of the Cayman Islands, CICA 6 of 2020, judgment dated 20 December 2022 (Consequential issues, costs, and leave to appeal to the Privy Council)
- *Re Changyou.com Limited*, Court of Appeal of the Cayman Islands, CICA 6 of 2020, judgment dated 16 September 2022 (Short-form merger, legal standing of minority shareholders to exercise statutory appraisal rights)
- *Re Virginia Solution SPC Ltd*, [Grand Court of the Cayman Islands, FSD 5 of 2020, judgment dated 23 August 2022](#) (Costs of a contested contributory's winding up petition; confidentiality application)
- *Re Virginia Solution SPC Limited*, Grand Court of the Cayman Islands, FSD 5 of 2020, judgment dated 10 February 2022 (Trial of a Just and Equitable winding up Petition, captive insurance company, quasi-partnership and functional deadlock allegations)
- *Re Changyou.com Limited*, Grand Court of the Cayman Islands, FSD 120 of 2020, judgment dated 28 January 2021 (Short-form merger, legal standing of minority shareholders to exercise statutory appraisal rights)
- *Great Simplicity Investment Corporation v Bitmain Technologies Holding Company*, judgment dated 31 July 2020, Grand Court of the Cayman Islands, FSD 247 of 2019 (Corporate shareholder dispute, invalidity of EGM and amendments to Articles of Association)

Insolvency

- *Titan Petrochemicals Group Limited* [2023] CA (Bda) 5 Civ (costs of successful appeal against order for compulsory winding up)
- [Titan Petrochemicals Group Limited \[2022\] CA \(Bda\) 13 Civ, judgment dated 9 August 2022](#) (Successful appeal against order for compulsory winding up of Bermuda holding company with Hong Kong business activity)
- *Re Midland Acres Limited*, Grand Court of the Cayman Islands, FSD 88 of 2017, judgment dated 19 January 2022 (appeal against rejection of Proof of Debt)
- *Re Titan Petrochemicals Group Limited* [2021] SC Bda 63 Civ (creditor's winding up petition, disputed debt, cross-border allegations of fraud)
- *In the matter of Opus Offshore* [2017] SC (Bda) 14 Com (application to appoint provisional liquidators, competing nominations and competing winding up petitions)
- *In the matter of Kingate Management Limited* [2012] Bda LR 63 (Court lifted automatic stay of proceedings against company in liquidation under section 167(4) of the Companies Act 1981; joinder of parties; disclosure of insurance policy documents under the Third Parties (Rights Against Insurers) Act 1963)
- *In the matter of Kingate Management Limited* [2012] Bda LR 14 (Court ordered compulsory winding up of hedge fund management company of its own motion; inherent jurisdiction; standing of provisional liquidators to appear at winding up petition hearing)
- *Saad Investments Company Limited (in Caymanian Liquidation) v Green Way Special Opportunities Fund Limited & Credit Agricole (Suisse) SA* [2010] Bda LR 83 (Exclusive jurisdiction clauses post-insolvency; service out of the jurisdiction; injunctive relief; recognition and assistance to foreign liquidators at common law)

Jurisdictional disputes

- [MaplesFS Limited v B&B Protector Services Limited and PJSC National Bank Trust and PJSC Bank Otkritie Financial Corporation, FSD 213 of 2021 DDJ](#), judgment dated 14 July 2022 (Substituted Service and Forum Non Conveniens, Cayman Islands STAR trust, Firewall Provisions)
- [MaplesFS Limited v B&B Protector Services Limited and PJSC National Bank Trust and PJSC Bank Otkritie Financial Corporation, FSD 213 of 2021 DDJ](#), judgment dated 14 June 2022 (Application for adjournment of Court hearing pending grant of Licence under Sanctions Legislation)
- *MaplesFS Limited v PJSC National Bank Trust & PJSC Bank Otkritie Financial Corporation*, FSD 213 of 2021, judgment dated 10 March 2022 (Adjournment application relating to imposition of sanctions on Russian bank entities; Court directions relating to application contesting substituted service and jurisdiction issues)
- *Cowan v Carmody*, Cayman Islands Court of Appeal, CICA 37 of 2019, judgments dated 19 October 2020 (Service out of the jurisdiction, non-disclosure, jurisdiction of the Court of Appeal, costs)
- *Siddiqui et al v Athene Holding Ltd* [2020] CA Bda 2 Civ (Costs of appeal; directors' and officers' indemnities; stay of enforcement)
- *Siddiqui et al v Athene Holding Ltd (Application for leave to appeal to the Privy Council)* [2019] CA (Bda) 15 Civ (Application for leave to appeal to the Privy Council against interlocutory rulings)
- *Apex Fund Services Ltd et al v Mathew Clingerman (as Receiver of Silk Road M3 Fund)* [2019] SC (Bda) 74 Com (Application for interim anti-suit injunction)
- *Siddiqui et al v Athene Holding Ltd* [2019] CA (Bda) 12 Civ (Appeals to the Court of Appeal for Bermuda on jurisdiction, *forum non conveniens*, and applications to strike out claims alleging breach of confidence and breach of fiduciary duties)
- *Athene Holding Ltd v Siddiqui et al* [2019] SC (Bda) 20 Com (Implied undertaking of confidentiality, refusal of application to permit collateral use of confidential documents, application to recuse judge on grounds of apparent bias)
- *Athene Holding v Siddiqui et al* [2019] SC (Bda) 3 Com (Jurisdictional challenge, service out of the jurisdiction under 'necessary or proper' party gateway, application to strike out claims alleging breach of confidence and breach of fiduciary duties)
- *Athene Holding Ltd v Caldera Holdings Limited et al* [2018] SC (Bda) 52 Civ (Application to stay proceedings on

forum non conveniens and case management grounds; alleged breaches of duties of confidentiality and restrictive covenants in context of insurance company takeover bid)

- *Majuro Investment Corporation v Timis et al* [2016] SC (Bda) 22 Com (abuse of process; indemnity costs order; third party costs order; non-party costs order; order for disclosure of identities and addresses of litigation funders)
- *Majuro Investment Corporation v Timis et al* [2015] SC (Bda) 87 Civ (application to set aside service outside of the jurisdiction of Bermuda; RSC Order 11, rule 1(1)(c), anchor defendant, and ‘necessary and proper party’ test; derivative actions under Bermuda law; standing of parties that are not registered shareholders; effect of insolvency and appointment of UK Administrators; failure to give full and frank disclosure)
- *Patriot Group v Hilco* [2015] SC (Bda) 38 Com (legal costs of non-party witness contesting Examination Order; costs sanctions for ex parte applicant’s failure to give full and frank disclosure)
- *Patriot Group v Hilco* [2015] SC (Bda) 32 Civ (Letter of Request gathering evidence for use in foreign proceedings; impermissibility of pre-trial discovery; obligations of full and frank disclosure in ex parte applications; conditions to be imposed on Examination Orders; recovery of legal costs and witness expenses)

Trusts law

- *MaplesFS Limited v B&B Protector Services Limited and PJSC National Bank Trust and PJSC Bank Otkritie Financial Corporation, FSD 213 of 2021 DDJ*, judgment dated 14 July 2022 (Substituted Service and Forum Non Conveniens, Cayman Islands STAR trust, Firewall Provisions)
- *In the matter of A Trust* [2018] SC (Bda) 53 Civ (Costs of contested application by Trustees for Court approval of a momentous decision)
- *In the matter of the A Trusts* [2018] SC (Bda) 42 Civ (Trustees’ application for Court approval of a momentous decision to effect a corporate transaction, contested by beneficiaries)
- *In the matter of A Trust* [2013] SC (Bda) 21 Civ (Court awarded indemnity costs to trustee in hostile litigation against beneficiary)
- *In the matter of A Trust* [2012] SC (Bda) 72 Civ (Court granted anti-suit injunction to trustee of Bermuda law trust restraining beneficiary from asserting hostile claims in foreign Court)

Insurance & Reinsurance

Alex’s experience covers most areas of disputes within the London, Bermuda, and Cayman Islands’ insurance and reinsurance markets in the past 23 years.

Alex acts for a wide range of clients including London market, Bermuda market, and Cayman Islands insurers and reinsurers, as well as policyholders and captive insurers.

Alex has represented clients in litigation in the Commercial Court in London, in the Supreme Court of Bermuda, and in the Grand Court of the Cayman Islands, as well as in arbitrations both in London and internationally.

In addition to claims and coverage disputes and advice, Alex has also advised insurers, reinsurers, brokers, and policyholders on a wide range of regulatory and corporate legal issues, including regulatory investigations and enforcement actions, corporate shareholder disputes, M&A disputes, and insolvency and restructuring issues.

Alex also has particular experience of jurisdictional disputes, including applications for anti-suit injunctions, stays of proceedings, and jurisdictional challenges.

Featured Insurance & Reinsurance cases

AerCap Ireland Ltd v AIG Europe SA & Ors [2024] EWHC 144 (Comm), Application for non-party disclosure order against Reinsurance Brokers in context of aviation insurance and reinsurance claims, effect of Russian Sanctions laws under Regulations 28, 29, 29A of Russia (Sanctions) (EU Exit) Regulations 2019

Re Virginia Solution SPC Ltd, Cayman Islands Court of Appeal, No 4 of 2022, Application for leave to appeal to Judicial Committee of Privy Council, no statutory right of appeal against dismissal of winding up Order, test for leave to appeal on discretionary grounds, interim stay pending application for special leave to appeal

Re Virginia Solution SPC Limited, Cayman Islands Court of Appeal, CICA Civ No 4 of 2022, Successful appeal to the Court of Appeal of the Cayman Islands against a winding up Order made at trial on contributory's petition; quasi-partnership allegations and 'just and equitable' considerations under Cayman Islands law; availability of alternative remedies under Cayman Islands law

Re Virginia Solution SPC Ltd, CICA Civil Appeal 004 of 2022, Cayman Islands Court of Appeal, Successful application for costs of appeal against winding up order, including reversal of costs orders below, interim payment orders, and orders that unsuccessful respondent petitioner pay all the costs thrown away by the liquidation and appointment of liquidators

Re Virginia Solution SPC Limited, Grand Court of the Cayman Islands, FSD 5 of 2020, judgment dated 10 February 2022 (Trial of a Just and Equitable winding up Petition, captive insurance company, quasi-partnership and functional deadlock allegations)

Doctoroff v Crown Global Life Insurance Ltd et al [2021] SC Bda 44 Com (claims relating to deferred variable annuity policy, summary judgment)

Athene Holding Ltd v Caldera Holdings Limited et al [2018] SC (Bda) 52 Civ (Application to stay proceedings on *forum non conveniens* and case management grounds; alleged breaches of duties of confidentiality and restrictive covenants in context of insurance company takeover bid)

Chubb Bermuda v Ford Motor Co [2017] SC (Bda) 88 Civ (Injunction to restrain misuse of privileged and confidential taxation information; implied undertaking; waiver)

Allied World Assurance Company Ltd & Ironshore Insurance Co Ltd v MF Global Assigned Assets LLC & MF Global Holdings Ltd [2017] SC Bda 7 Com (application for leave to discontinue proceedings, governing principles, Order 21 rule (3) of the Rules of the Supreme Court 1985, compliance with US Bankruptcy Court Order requiring that Bermuda proceedings be "dismissed" on a without prejudice basis)

Allied World Assurance Company Ltd & Ironshore Insurance Co Ltd v MF Global Assigned Assets LLC & MF Global Holdings Ltd [2017] SC Bda 6 Com (Enforcement of arbitration agreement governed by Bermudian procedural law, anti-suit injunction, mandatory interim anti-suit injunction, restraint of Adversary Proceeding before US Bankruptcy Court)

In the matter of the Estate of Mrs. Ericka Schirmer [2014] SC Bda 466 (Life Insurance Act 1978; Court held that insurance monies were payable to designated beneficiaries free from claims of creditors and heirs)

TG and RC v KX, Grand Court of the Cayman Islands, Cause No: 499 of 2002, Levers J, 14 July 2005 (Court awarded substantial damages for personal injuries to law student injured in road traffic accident; including *Smith v Manchester* damages for handicap on open labour market)

Professional Negligence

Alex has extensive experience of professional negligence cases across the main professions, both in the UK and in the 'offshore' jurisdictions. Alex's work involves acting both for and against professionals and their insurers, including cases concerning lawyers, insurance brokers, underwriting agents, accountants, auditors, stockbrokers, valuers, hedge fund directors, fund administrators, fund custodians, corporate service providers, professional trustees, financial advisers, and agents in the securities industry.

Featured Professional Negligence cases

McGrath Tonner (A Firm) v Khatidja McLean, Cayman Islands Court of Appeal, 4 May 2023, CICA 13 of 2022, Appeal to the Court of Appeal of the Cayman Islands, with cross-appeal; setting aside default judgment on claim for payment of legal fees; the scope of the Grand Court's statutory, common law, and inherent powers to direct the taxation or assessment of a lawyer's legal fees, in the event of a dispute between client and attorney

Toledo et al v Walkers, Grand Court of the Cayman Islands, FSD 0105 of 2014, judgment dated 25 January 2022 (professional negligence claim against attorneys)

MJM Limited v Apex Fund Services Ltd [2019] SC Bda 92 Civ (Lawyers' conflicts of interest; duties of confidentiality; legal professional privilege)

Bermuda Bar Council v Kamal Worrell [2017] (Bermuda Bar Disciplinary Tribunal)

Bermuda Bar Council v Rick Woolridge [2017] (Bermuda Bar Disciplinary Tribunal)

Kingate Global Fund Ltd et al v Kingate Management Ltd et al [2016] Bda LR 4 (claims against fund managers and fund directors)

Kingate Global Fund Ltd et al v Kingate Management Ltd et al [2015] SC (Bda) 65 Com (claims against fund managers and fund directors)

Phoenix Global and Phoenix Capital v Citigroup & Bank of Bermuda [2009] Bda LR 70 (claims against fund administrators and fund custodians)

Phoenix Global and Phoenix Capital v Citigroup & Bank of Bermuda [2009] Bda LR 68 (Court dismissed claims by two insolvent hedge funds against fund administrators and custodians; duties of fund service providers; duties of fund directors and fund managers; use of expert evidence; attribution; loss of a chance; ex turpi causa; contributory negligence; mitigation; Bye-law indemnities and exculpation clauses; ratification; sections 98B and 281 of the Companies Act 1981)

Phoenix Global and Phoenix Capital v Citigroup & Bank of Bermuda [2007] Bda LR 61 (Court ordered security for costs against insolvent hedge fund companies acting as nominal plaintiffs; third party funders; abuse of process; non-party costs orders; overriding objective and rights to a fair trial)

International Arbitration

Many of Alex's cases are confidential arbitrations, including under ICC, LCIA, LMAA, DIAC, SIAC, HKIAC, CIETAC, and DIAC rules, which are not reported.

Featured International Arbitration cases

Jian Ying Ourgame High Growth Investment Fund (in Liquidation) v Powerful Warrior Limited, Grand Court of the Cayman Islands, FSD 255 of 2021, judgment dated 21 December 2022 (application contesting jurisdiction of the Cayman Islands Court vs. enforcement of HKIAC Arbitration Agreement)

Jian Ying Ourgame High Growth Investment Fund (in Liquidation) v Powerful Warrior Limited, Grand Court of the Cayman Islands, FSD 255 of 2021, judgment dated 19 July 2022 (Recusal of Judge, Apparent Bias, Issues of jurisdiction, service out of the jurisdiction of the Cayman Islands, and enforceability of HKIAC Arbitration Agreement)

S v T [2018] SC (Bda) 9 Civ (Court appointment of third arbitrator)

ACE Bermuda Insurance Ltd v Ford Motor Company [2016] Bda LR 1 (anti-suit injunction to enforce arbitration agreement; privacy and confidentiality of arbitration materials in the context of Court applications)

Shipping and Commodities

Alex regularly advises, and appears in Court and in arbitration, on shipping disputes involving charterparties and sale contracts, as well as commodity disputes.

Alex also has extensive experience of advising on, and resolving, P&I Club, and commercial insurance, claims and disputes, as well as advising on aircraft finance and registration disputes, and ship finance and registration disputes, involving ship registration jurisdictions such as Bermuda and the Cayman Islands.

Alex has particular experience of Court applications relating to arbitration proceedings, including applications for anti-suit injunctions and stays of proceedings, and applications both to enforce, and to challenge, arbitration awards.

Featured Shipping and Commodities cases

Advising trade credit insurers on credit insurance claims following payment defaults under a ship finance transaction involving Bareboat Charterparties and Sale and Purchase Agreements on BIMCO forms

Advising ship owners on charterparty disputes, sanctions compliance issues, and associated jurisdictional issues, involving ships chartered to Russian entities

Black Swan Petroleum DMCC v Owners and Charterers of the Oceania, High Court of Malaya, Federal Territory of Malaysia, Admiralty WA27NCC46092023, Expert Opinion evidence on issues of English law relating to US sanctions against Iran, and the effect of the EU and UK Blocking Regulations

Titan Petrochemicals Group Limited [2022] CA (Bda) 13 Civ, judgment dated 9 August 2022 (Successful appeal against

order for compulsory winding up of Bermuda holding company with Hong Kong commodities trading business activity)

Advising various P&I Clubs on the enforceability of foreign judgments in the United Kingdom, Bermuda and the Cayman Islands

Advising various ship owners and insurers on Limitation of Liability for maritime claims

Advising and representing the directors of a P&I Club, and their D&O insurers, on claims and liabilities arising out of the P&I Club's compulsory liquidation

Acting as Arbitrator in various maritime disputes involving collisions and accidents at sea

Advising various clients on marine environmental and pollution liabilities associated with land reclamation and marine dredging projects

Advising various clients on coral reef protection legislation in Bermuda, the Cayman Islands, and other British Overseas Territories

Telecommunications & IT

Alex has been involved in a number of disputes involving IT, telecommunications regulation, and data protection.

Featured Telecommunications & IT cases

In the matter of the Kuwait Ports Authority, Grand Court of the Cayman Islands, FSD No 118 of 2021, judgment dated 8 March 2022 (Sections 3 and 4 Confidential Information Disclosure Act, Cayman Bill of Rights, Data Protection Act)

One Communications Ltd et al v Regulatory Authority of Bermuda [2018] SC (Bda) 18 Com (Costs of judicial review proceedings)

Bermuda Telephone Company Ltd v Regulatory Authority of Bermuda [2017] SC (Bda) 109 Civ (Judicial review of enforcement notice; regulation of telecommunications service providers under the Regulatory Authority Act 2011)

One Communications Ltd et al v Regulatory Authority of Bermuda [2017] SC (Bda) 97 Civ (Judicial review of Market Review of telecommunications sector; and enforceability of ex ante remedies against entities with Significant Market Power under the Regulatory Authority Act 2011 and the Electronic Communications Act 2011)

Telecommunications Networks v Regulatory Authority of Bermuda [2016] SC (Bda) 91 Civ (Appeal under section 96 of the Regulatory Authority Act 2011, application for interim stay pending appeal, application to strike-out appeal, application for 4G spectrum lots, Electronic Communications Act 2011, whether statutory scheme permits or requires positive discrimination to promote competition, waiver of right to object to procedural aspects of 'request for application' process)

Constitutional, Public & Administrative, Human Rights law

Alex has extensive experience of public and administrative, and Constitutional law.

Featured Constitutional, Public & Administrative, Human Rights law cases

Kattina Anglin v The Governor of the Cayman Islands and Colours Caribbean, Cayman Islands Court of Appeal, CICA Civil Appeal 6 of 2022, Application for leave to appeal to the Privy Council, against Court of Appeal's decision to dismiss appeal against Grand Court Order and Judgment dismissing Plaintiff's application for judicial review of the Governor's enactment of the Civil Partnership Act 2020; rejection of arguments that case raises arguable issues of great general or public importance; rejection of arguments that the statutory requirement to apply for leave to appeal may be unjustifiably discriminatory

Kattina Anglin v Governor of the Cayman Islands and Colours Caribbean, CICA Civil Appeal No 6 of 2022, Appeal to the Court of Appeal of the Cayman Islands against dismissal of claim for judicial review against Governor's decision to enact the Civil Partnership Act 2020 under his Reserved Powers under sections 55 and 81 of the Cayman Islands' Constitution; meaning of Reserved Powers; proper interpretation of Constitution

Kattina Anglin v Governor of the Cayman Islands and Colours Caribbean, G0169 of 2020, judgment dated 28 March 2022 (Judicial Review, Reserved Powers of the Governor pursuant to section 81 of Schedule 2 to the Cayman Islands Constitution Order 2009, section 55 of the Constitution, meaning of 'external affairs', legal validity of Civil Partnership Act 2020)

Anglin v Governor of the Cayman Islands, Grand Court of the Cayman Islands, G169 of 2020, judgment dated 28 October 2021 (application for leave to intervene, judicial review of Civil Partnership Act 2020)

Sannapareddy v Commissioner of Police and Senior Magistrate [2019] SC (Bda) 18 Civ (Judicial review of search warrant)

Corporation of Hamilton v Attorney General & Centre for Justice [2017] Bda LR 30 (Powers of statutory corporation; invalidity of statutory instruments; parking regulations)

Jack et al v Minister of Public Works [2016] SC (Bda) 108 Com (Summary judgment, admissions, application to remove counsel as a potential witness, overriding objective, duty to conduct litigation in a proportionate manner, Court's duty to ensure parties are on an equal footing)

Centre for Justice v Attorney General and Minister for Legal Affairs et al [2016] SC (Bda) 64 Civ, [2016] SC (Bda) 72 Civ (judicial review; fundamental rights and freedoms under the Constitution and the Human Rights Act 1981; legality of Referendum (Same Sex Relationships) Act 2016 and Referendum Act 2012; undue influence; neutrality of polling stations)

The Corporation of Hamilton v The Attorney-General, The Minister of Home Affairs and The Ombudsman of Bermuda [2015] SC (Bda) 22 Civ (summary dismissal of constitutional complaint under section 6(8) of the Bermuda Constitution; Ombudsman not a judicial or adjudicatory authority)

The Corporation of Hamilton v The Ombudsman for Bermuda [2014] SC (Bda) 1 Civ (Court dismissed an application for leave to apply for judicial review of the Ombudsman's decision to investigate the affairs of the Corporation of Hamilton;

costs in judicial review proceedings; injunctive relief in judicial review proceedings)

Sanctions law

Alex has extensive experience advising clients on Sanctions law, both under UK legislation, and under legislation made, or extended to, the British Overseas Territories of Bermuda, the Cayman Islands, and the British Virgin Islands.

Alex has advised numerous trustees, corporate service providers, insurers, insurance brokers, and investment fund managers in Bermuda, the Cayman Islands, and the British Virgin Islands on Sanctions laws and regulations, in both contentious and non-contentious scenarios.

Alex has also appeared as Leading Counsel in one of the leading English Court judgments to consider the meaning and effect of the Russia (Sanctions) (EU Exit) Regulations 2019.

Featured Sanctions law cases

AerCap Ireland Ltd v AIG Europe SA & Ors [2024] EWHC 144 (Comm), Application for non-party disclosure order against Reinsurance Brokers in context of aviation insurance and reinsurance claims, effect of Russian Sanctions laws under Regulations 28, 29, 29A of Russia (Sanctions) (EU Exit) Regulations 2019

Black Swan Petroleum DMCC v Owners and Charterers of the Oceania, High Court of Malaya, Federal Territory of Malaysia, Admiralty WA27NCC46092023, Expert Opinion evidence on issues of English law relating to US sanctions against Iran, and the effect of the EU and UK Blocking Regulations

MaplesFS Limited v B&B Protector Services Limited and PJSC National Bank Trust and PJSC Bank Otkritie Financial Corporation, FSD 213 of 2021 DDJ, Application for adjournment of Court hearing pending grant of Special Licences to two sanctioned Russian Banks under UK and Cayman Islands Sanctions Legislation

Re PJSC National Bank Trust and PJSC Bank Otkritie Financial Corporation, advising and representing two Russian Banks on successful applications to OFSI and Cayman Islands Governor for Special Licences under Sanctions legislation

Environmental and planning law

Alex has extensive experience of environmental and planning law.

Featured Environmental and planning law cases

BEST v Minister of Home Affairs et al [2017] SC (Bda) 112 App (Planning appeal on environmental grounds in the public interest; material considerations in planning permission applications; conservation of agricultural land)

Bermuda Environmental Sustainability Taskforce v The Minister of Home Affairs [2015] SC (Bda) 90 Com (Environmental Impact Assessments under Bermuda law and international law; land reclamation of the South Basin of Bermuda's Dockyard for America's Cup 2017 event village use; material considerations in planning permission applications; finality

of planning decisions; planning permission in principle)

Bermuda Environmental Sustainability Taskforce v The Minister of Home Affairs [2015] SC (Bda) 71 Com (second Protective Costs Order made by the Supreme Court of Bermuda in the context of a planning appeal brought on environmental and public interest grounds)

Jack et al v The Minister of Public Works [2015] SC (Bda) 62 Civ (private nuisance and public nuisance; application for interlocutory injunction restraining acts of nuisance and unlawful development of Bermuda's Botanical Gardens; relevance of the grant or expiry of planning permission to nuisance claims; indemnity costs and interim payment orders)

Bermuda Environmental Sustainability Taskforce v The Minister of Home Affairs [2014] Sc (Bda) 73 App (Court awarded and summarily assessed costs in favour of successful Appellant; costs rules in public interest proceedings)

Bermuda Environmental Sustainability Taskforce v The Minister of Home Affairs [2014] Sc (Bda) 61 App (Environmental Impact Assessments under Bermuda law and international law; legal validity and interpretation of Special Development Orders under Development and Planning Act 1974; breaches of natural justice by Development Applications Board and the Minister of Planning; material considerations in planning permission applications)

Bermuda Environmental Sustainability Taskforce v The Minister of Home Affairs [2014] Sc (Bda) 56 Com (first Protective Costs Order made by the Supreme Court of Bermuda in the context of a planning appeal brought on environmental and public interest grounds)

Expert Opinions

Alex has given expert opinion evidence on Bermuda law or Cayman Islands law, or had his publications cited, in the following reported cases:

- *MedImpact Healthcare et al v IQVIA AG et al*, United States District Court, Southern District of California, Case No. 3:19-cv-01865-GPC-DEB
- *SIPC v BLMIS et al, Irving Picard v Rafael Mayer, Khronos Liquid Opportunities Fund Ltd et al*, US Bankruptcy Court, SDNY, No. 08-01789 (CGM), 27 October 2021
- *Fredricks v. Markel CATCo Investment Management Ltd. & Markel Corp.*, Case No. 1:19-cv-10331 (D. Mass. 2019)
- *Neff v Brady, Re Weatherford International*, Court of Appeals for Texas, Houston (1st Dist), 527 SW 3d 511 (2017)
- *Saratoga Advantage Trust Technology & Communications Portfolio v. Marvell Technology Group Ltd*, United States District Court, ND California, Case No. 15-cv-04881-RMW (2016)
- *Voss v Sutardja, Re Marvell Technology Group Ltd*, United States District Court, ND California, San Jose Division, Case No. 14-CV-01581-LHK (2015)

Appointments

- King's Counsel of England and Wales (2000), King's Counsel 2018
- Fellow of the Chartered Institute of Arbitrators
- Senior Decision Maker of the Guernsey Financial Services Commission (Guernsey)
- Copyright Tribunal (Bermuda)

- Human Rights Commission (Bermuda)
- Judicial Assistant to the Court of Appeal for England and Wales (2000-2001)
- Appointed to the panel of Senior Decision Makers of the Guernsey Financial Services Commission
- Part II of the DIFC Courts' Register of Legal Practitioners
- Registered Foreign Lawyer, Singapore International Commercial Court (2024)

Bar Admissions

- Cayman Islands (2005)
- Bermuda (2007)
- Eastern Caribbean Supreme Court (British Virgin Islands) (2021)
- St Helena (2024)
- DIFC Courts (2023)
- ADGM Courts (2023)
- AIFC Courts (2023)

Awards

- Shortlisted for Advocate's Bar Pro Bono KC of the Year Award 2022
- Shortlisted for Bar Council's Employed Barrister of the Year Award 2020
- Recognised as a Leading Individual in Chambers Global 2023
- Recognised as a Leading Individual in the Legal 500 2023
- Recognised as a Leading Individual in Who's Who Legal

Publications

- Bermuda Insurance & Reinsurance chapter in 'Research Handbook on International Insurance Law and Regulation' (2nd edition), ed Julian Burling and Kevin Lazarus
- 'Discovery Depositions in the Cayman Islands: time to come of age?', ICLG Commercial Dispute Resolution Newsletter (November 2022)
- 'Are shareholder disputes in the Cayman Islands arbitrable?', CIArb Caribbean Newsletter (November 2022)
- 'The boundaries and benefits of 'gross negligence' under Cayman Islands law', Lexology (October 2022)
- 'Appeals from the Cayman Islands to the Privy Council: a summary of the rules', Lexology (September 2022)
- 'Shareholder disputes in the Cayman Islands', Thought Leaders (January 2022)
- 'Insurance Litigation in the Cayman Islands', Chambers Practice Guides (October 2021)
- 'Corporate Reorganisations in the Cayman Islands', Lexology GTDT (April 2021)
- 'Cayman Islands: Attachment of Assets', Juris Legal Information (March 2021)
- 'The International Comparative Legal Guide to Corporate Recovery and Insolvency 2019', Bermuda chapter, ICLG, (2019).
- Bermuda Course Module, INSOL Foundation Certificate in International Insolvency Law (2019)
- 'Bermuda: Back to the Future', South Square Digest (July 2019)
- 'Corporate Restructuring: Who is in Control? The balancing act between collective, class and individual rights', Chancery Bar Association (May 2019)

- ‘Insolvency and Trusts: Bermuda chapter’, INSOL International E-Book (November 2018)
- ‘The International Comparative Legal Guide to International Arbitration 2018’, Bermuda chapter, ICLG, (2018).
- ‘The International Comparative Legal Guide to Corporate Recovery and Insolvency 2018’, Bermuda chapter, ICLG, (2018).
- ‘Investment Funds in Bermuda: Winds of Change’, IFC Caribbean Review 2018
- ‘Post Petition Dispositions and Validation Orders in Bermuda law’, International Corporate Rescue, Volume 13 (2016), Issue 6 (co-authored with Caitlin Conyers).
- Directors’ Liability and Indemnification: A Global Guide (Globe Law and Business, 3rd edition, 2016), Bermuda chapter co-authored with Mark Chudleigh.
- ‘A Review of Recent Legal Developments in Bermuda’, The Journal of International Tax, Trust and Corporate Planning, Volume 23, Issue 2, pages 115 to 120 (2016).
- ‘TIEAs in the Courts of International Financial Centres’, IFC Review 2015 (1 July 2015).

Memberships

- Chartered Institute of Arbitrators (Fellow)
- INSOL International
- RISA Cayman Islands and RISA Bermuda
- ARIAS US (Member)
- Middle Temple (Astbury Scholar, Pegasus Scholar)
- International Bar Association
- Bermuda Bar Association
- Bar Council of England & Wales (Member of Employed Barristers’ Committee)
- COMBAR (Executive Committee Member, Co-Chair of Offshore Committee, and Vice-Chair of North America Meeting)
- Chancery Bar Association

Education

- City University, London, Inns of Court School of Law, Bar Vocational Course, Post-Graduate Diploma in Legal Studies, 1999-2000 (6th in Bar Finals)
- City University, London, CPE, Post-Graduate Diploma in Law, 1998-1999
- Oxford University, Exeter College, BA (Honours), English Language & Literature (Double First), Open Scholar, 1995-1998
- Winchester College, Open Scholar, 1989-1994

Languages

- French
- Modern Greek