



Dispute Resolution
and Litigation
Practice

CAREY OLSEN

9

Locations

5

Offshore Laws

BERMUDA
BRITISH VIRGIN ISLANDS
CAYMAN ISLANDS
GUERNSEY
JERSEY

1898

Founded

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At Carey Olsen, we always look at the bigger picture. In the face of opportunities or challenges, our clients know that the advice and guidance they receive from us will be based on a complete understanding of their goals and objectives combined with outstanding client service, technical excellence and commercial insight.

BIGGER PICTURE

Wide-angle thinking

Carey Olsen is a leading offshore law firm advising on the laws of Bermuda, the British Virgin Islands, the Cayman Islands, Guernsey and Jersey from a network of nine international offices.

We provide legal services in relation to all aspects of corporate and finance, trusts and private wealth, investment funds, insolvency, restructuring and dispute resolution.

Our clients include global financial institutions, investment managers, private equity and real estate houses, multinational corporations, trust companies, government bodies, local businesses, directors, high net worth individuals, family offices and private clients.

We work alongside all the major international law firms, accountancy firms and insolvency practitioners on local, international and cross-border matters involving our jurisdictions.

In the face of opportunities and challenges, our clients know that the advice and guidance they receive from us will be based on a complete understanding of their goals and objectives combined with consistently high levels of client service, technical excellence and commercial insight.

Whether playing a lead or a supporting role, we always look at the bigger picture.

Why instruct us?

- We provide partner-led advice.
- We have the strength and depth to handle the most complex and specialist work.
- We operate across all time zones and key financial markets.
- We provide value by effectively delegating work to lawyers at the appropriate levels.
- We have strong and long-established relationships with our clients, intermediaries and regulators.
- We are consistently ranked as a top tier law firm in the leading legal directories.



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Partners

300+

Lawyers

650+

People

“Carey Olsen provides high-quality advice backed up by rock-solid knowledge of the law.”

The Legal 500

Seeing the world from your perspective

Our clients benefit from direct contact with the partner who is leading on their work. Our teams are structured according to the scale and expertise needed for each instruction and we ensure cost efficiencies through the delegation of work to lawyers at the appropriate level.

We make a point of getting to know you, your business and your circumstances; always ensuring our advice is aligned to your ambitions and goals. Our role goes beyond delivering legal services and we aim to contribute to your success and to add value wherever we can. This can take a number of forms including training, knowledge sharing, legal secondments, regulatory and legislative updates and client briefings.

We maintain highly-competitive and transparent fee rates that are visible from the outset.



“They really get to know their clients and are therefore able to tailor their advice around their clients’ needs.”

Chambers Global

Dispute Resolution and Litigation Practice

Our leading offshore dispute resolution and litigation practice represents clients across the full spectrum of contentious and semi-contentious work.

We are widely recognised for our expertise in both international and domestic cases, including: corporate and commercial disputes, banking, financial services and trusts litigation, fraud and asset tracing claims, and regulatory investigations, disputes and advisory work.

In addition, our specialist lawyers apply their industry knowledge of insolvency, corporate and banking law, regulatory guidance and dispute resolution to the full spectrum of restructuring, reorganisation, recovery and insolvency matters across our jurisdictions.

We also advise on civil and family law, employment pensions and incentives, criminal law, insurance and personal injury.

We are counsel to international financial institutions, banks, funds, insurers, trust companies, governments and private individuals.

We regularly work in partnership with international law firms and accountancy firms on complex and significant offshore cases across our jurisdictions.

From mediation to trial advocacy, we successfully guide our clients through the full range of disputes, from multi-party, cross-jurisdictional corporate litigation to domestic claims before the local courts.

“They are thorough in the preparation of arguments and balance this with a good dose of commercial acumen.”

Chambers Global

Representative matters

Carillion

Acting for the UK Official Receiver appointed in the Carillion liquidation to obtain the urgent appointment of Jersey liquidators over Carillion finance entities incorporated in Jersey. The Jersey subsidiary had close to £200 million of its own debt and shared obligations with its affiliates of a further £2.6 billion.

China Fishery Group

Acted for the Bank of America, a creditor of China Fishery Group, which along with certain other companies, forms part of the Pacific Andes Group. Advice included securing liquidation of the companies on the principal ground that they were insolvent.

Abraaj Holdings

We act for the joint official liquidators of Abraaj Holdings in clawback claims against two of the private equity funds that were formerly managed by the Abraaj group, as well as a third claim commenced by a creditor of Abraaj Holdings in related proceedings. The related proceedings concern payments totalling US\$300 million made prior to the appointment of JOLs in June 2018, when Abraaj Holdings was already insolvent. We were successful in obtaining the first directions issued by the Cayman Islands Courts concerning the use of "Technology Assisted Review" (or AI) for discovery in one of a series of heavily contested interlocutory disputes.

Hiscox Group

Acted for Hiscox Group, a global insurer, in proceedings before the Supreme Court of Bermuda against its former Chief Financial Officer. Co-ordinating legal proceedings and other advice in six jurisdictions in addition to Bermuda, including a multi-jurisdictional freezing injunction.

EPEA Administration Limited

Advised EPEA Administration Limited from claims by BVI-incorporated Premium Currencies Limited for breach of contract arising from allegations of historic miscalculations of the fund's net asset value (which in turn allegedly meant that traded shares and investors would have been dealing in over-inflated securities for a period exceeding two years).

Tchenguiz

Acted for Grant Thornton as the joint liquidators of the Tchenguiz Discretionary Trust, one of the largest and longest running Guernsey contentious trust insolvency disputes of recent years.

ECM Straits Fund I

We act for ECM Straits Fund I, LP in its groundbreaking application in the Cayman Islands for a declaration that the Fund's term had expired and was accordingly in voluntary liquidation; and orders for the liquidation to be brought under the supervision of the Court and for the appointment of official liquidators.

Von der Heydt Invest SA

We act for von der Heydt Invest SA, a Luxembourg fund manager, in respect of several funds which von der Heydt Invest SA manages which were the victims of a fraud and proceedings commenced in the BVI by von der Heydt Invest SA on behalf of those funds and other noteholder investors. We successfully applied for and obtained a worldwide freezing order in support of the funds' claims.

BCT Limited

We advise in respect of a very substantial Bermuda trust (US\$ billions) of which a US resident beneficiary has been embroiled in what the media has called the "largest ever tax evasion case against an individual in the US". The trust structure has been involved in very extensive litigation over the past several years including an appeal to the Court of Appeal in which we acted for other clients (former trustees). We represent BCT Limited which is the trustee appointed as a result of the Court of Appeal decision.

Joannou & Paraskevaides (Overseas) Limited

We advised JPO in respect of its financial difficulties and with regard to an ultimately unsuccessful restructuring of its significant bank debt leading to the appointment of joint administrators and subsequently joint liquidators. We continue to advise the joint liquidators on a number of issues in what is one of the largest insolvency matters in Guernsey involving a number of other jurisdictions and is of significant value.

The experience to guide and the vision to lead

Our legal experts work across disciplines and jurisdictions to help our clients achieve their objectives. We have the skills, expertise and scale to handle the most demanding, complex and pioneering instructions.

BANKING AND FINANCE LITIGATION

COMMERCIAL LITIGATION

CORPORATE DISPUTES

FRAUD AND ASSET TRACING

RESTRUCTURING AND INSOLVENCY

TRUST DISPUTES

CIVIL AND FAMILY LAW

CRIMINAL LAW

EMPLOYMENT, PENSIONS
AND INCENTIVES

INSURANCE AND PERSONAL INJURY



Dispute Resolution and Litigation Practice

Banking and Finance Litigation

Our specialist team of banking and finance litigation and insolvency lawyers work alongside our transactional corporate and banking groups to provide seamless and unparalleled industry and sector expertise.

Our representative experience includes acting in cases of mis-selling, negligence, fund and management litigation, investor and shareholder activism, bondholder dispute and asset/debt recovery work, as well as time-critical and responsive litigation advice and representation in regulatory defence matters, insolvencies and distressed situations. This includes protecting boards of directors and advisers from claims of misfeasance and breach of duty.

We have regularly acted on matters of global significance, including the collapses of Lehman Brothers, the Icelandic Banks and the Madoff fraud.

Commercial Litigation

We work across the full breadth of offshore industry sectors and represent clients in all commercial disputes and arbitrations.

Our experience includes contract and tortious claims and equitable remedies, professional negligence actions, agency, sale and supply of goods and services disputes, insurance and energy disputes, fraud and asset tracing, data protection and information management litigation, intellectual property and employment claims.

Our team is highly regarded for its practical and commercial approach, and its expertise in advising institutions and individuals on high-stakes, complex and sensitive cases. Our experts also have a successful track record in relation to fraud, asset-tracing and regulatory investigations work, much of which has a cross-border element.

“They are class performers in contentious matters.”

Chambers Global

Corporate Disputes

Our corporate dispute resolution team is counsel to multinational corporations, financial institutions, banks, funds, insurers, trust companies and governments as well as private individuals, directors and officers. Our experts are well-versed in claims against directors, directors' duties, shareholder and investor activism, joint venture and M&A disputes, claims arising from demergers and reorganisations, derivative proceedings, unfair prejudice petitions and contested schemes of arrangement and insolvencies, including petitions for just and equitable winding-up.

We also provide board advisory services to distressed corporates facing financial and other pressures.

Fraud and Asset Tracing

Our fraud and asset tracing specialists draw on a wealth of experience from both onshore and offshore practice. We advise on the full range of fraud and asset tracing-related work from self-contained local proceedings through to the largest and most complex cross-border disputes.

We assist clients in securing and recovering assets offshore, as well as advising third parties such as banks and trustees who are often working in circumstances of extreme urgency with the added pressure of reputational and confidentiality considerations. We regularly work alongside colleagues on matters concerning trust and company law, insolvency and regulatory issues.

Members of our fraud and asset tracing team have been involved in some of the most significant fraud cases in our jurisdictions, as well as in several key decisions concerning economic torts, unjust enrichment and breaches of trust.

Restructuring and Insolvency

Corporate restructuring and insolvency requires advisory teams to act swiftly to protect the value of a business, investment or third party claim.

Our restructuring and insolvency lawyers apply their knowledge of insolvency, corporate and banking law, regulatory guidance and litigation to the full spectrum of cross-border restructuring, recovery and insolvency matters involving our offshore jurisdictions. We work in partnership with the world's leading insolvency practitioners, onshore law firms, accountancy and forensic practices, advising the whole range of stakeholders including liquidators, receivers, creditors, investors, directors and professional service providers.

Our leading position in the investment funds market makes us the first port of call in times of distress for lenders, fund managers and directors.

Dispute Resolution and Litigation Practice *(continued)*

Trust Litigation

Our trust litigation team understand the unique, highly-confidential and delicate nature of trust disputes and are mindful of the need to achieve an effective outcome with minimal public exposure and cost.

Our team's approach is to manage and resolve issues at the earliest opportunity. Where conflict is unavoidable, we provide strong guidance and advocacy; be it through alternative dispute resolution or through the courts.

We advise corporate and individual trustees, foundation council members and executors/administrators as well as settlors, protectors and beneficiaries on matters that are, or have the potential to become, contentious. In addition to pursuing or defending actions for breach of trust and professional negligence, our work includes applications to remove trustees and protectors from office and to set aside their decisions. We also work with onshore advisers on international trust disputes involving our jurisdictions.

Employment, Pensions and Incentives

We advise domestic and international organisations on every stage of the employment cycle in relation to employment instructions, pensions and incentives services, tribunal and court representation, relocation services, data protection, immigration or licensing advices, including advising on the employment aspects of M&A transactions and company restructurings. Our employment lawyers represent businesses across a broad range of industry sectors and our clients include financial institutions, commercial businesses, insurance companies, actuaries, pension consultants and trustees.

We advise on the full spectrum of employment issues in contentious and non-contentious areas of work. Services include board disputes, contracts, policies and procedures, GDPR advice, training programmes, dismissals, discrimination and intellectual property. We can also advise you on employee fraud and the investigation and management of regulatory issues.

"The 'phenomenal' employment team at Carey Olsen is 'very personable, approachable and easy to deal with' and 'among the very best non-UK law outfits.'"

The Legal 500

Criminal Law

Our criminal law team comprises specialist legal advisors and advocates who are experienced in representing clients accused of a range of serious criminal offences.

We provide affordable and pragmatic advice with a focus on efficiency and speed to ensure matters are moved along as quickly as possible with the police and wider authorities. Where an expeditious disposal of matters is not possible, our advocates are experienced and respected courtroom lawyers who represent clients throughout the criminal justice process up to and including trial and (if necessary) appeal. Our relatively large team allows us to provide our clients with continuity of representation, stability and scale when needed. At an early stage in the case clients will meet with an assigned legal advisor and advocate and they will become the permanent core defence team until the conclusion of the case.

Civil and Family Law

Our family lawyers work in conjunction with our property, litigation and private client experts to assist individuals, families and those who advise on planning and structuring their affairs, to mitigate those financial risks that relationship divisions can cause.

We advise on a range of issues including pre-nuptial, post-nuptial and cohabitation agreements; if relationship breakdown cannot be avoided, we offer sensitive and comprehensive advice on separation, divorce, civil partnership dissolution, in particular on the financial and children issues that can arise, and regularly advise on cross border family disputes.

Our civil litigation team covers an extensive range of legal disputes arising between two or more parties in respect of civil matters, including property and building disputes, intellectual property rights and breaches of contract, professional negligence, injunctions, consumer rights and debt.

Insurance and Personal Injury

Our insurance and personal injury team is experienced in handling the full range of personal injury claims, from large scale and complex catastrophic injury to small liability claims.

We also have expertise in advising and acting for a range of interests in insurance and insurance-related disputes and our experience includes advising and acting for insurers on claim disputes, policy drafting and interpretation, advising companies, directors and officers (D&O) on complex D&O insurance issues and general insurance matters relating to professional indemnity.

Dispute Resolution and Litigation offshore

While the offshore centres of Bermuda, the British Virgin Islands, the Cayman Islands, Guernsey and Jersey have much in common there are key differences in the form that contentious work takes.

At a high level, the workload is similar: principally high-value, cross-border commercial or investment-related litigation. This includes trust disputes, international insolvencies and shareholder disputes. Many of these are substantively litigated in the relevant jurisdiction or are adjuncts to major onshore or other offshore litigation.

Points of difference

Some broad points of difference can however be drawn between the jurisdictions. For example, there tends to be more trusts dispute work in Guernsey and Jersey, more institutional (fund and capital markets) litigation in Cayman and more private shareholder and investment disputes in the BVI and more fund and insurance litigation in Bermuda.

The geographical sources of instruction also have a bearing. Guernsey and Jersey have close ties to the UK and Europe, BVI has long-standing connections to Asia and the Russia/CIS region and Cayman and Bermuda hold stronger links to the US.

A common strand in all five jurisdictions, however, is that the litigation is international in scope.

Local knowledge

In material aspects, offshore litigation may look and feel similar to litigation in England and the onshore Commonwealth jurisdictions, but there are vital differences of substance, nuance, policy and spirit. The role of a good offshore lawyer is to be immersed in and understand these local characteristics so that they can make them work to their clients' advantage.

Our lawyers have extensive knowledge of how our jurisdictions operate, both in the context of the offshore world and internationally.



“They have a very international perspective in their business and are well connected in the major economies and finance centres.”

Chambers Global

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