

# ESSEX COURT CHAMBERS

## BARRISTERS



## PAUL STANLEY QC

Call: 1993 | Silk: 2010

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## PROFESSIONAL PRACTICE

Paul Stanley QC has a broad practice across a wide range of commercial disputes.

He has a particular interest and experience in financial services (including regulatory work), both at the regulatory level and before the Upper Tribunal and on appeal. He often deals with insurance and reinsurance claims, particularly high value pharmaceutical and products-liability claims, including many arbitrations raising a full range of issues concerning the validity and application of insurance and reinsurance contracts, especially (but not only) the Bermuda Form. He also has a particular interest in complex civil fraud cases, for both claimants and defendants, including obtaining and enforcing interim remedies, applications to commit for contempt, and jurisdictional issues, both in England and offshore.

He appears in both courts and before arbitral tribunals at all levels. He has extensive experience of appellate advocacy in the Court of Appeal.

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## AREAS OF EXPERTISE

- Arbitration & related court applications
- Banking & financial services
- Chancery litigation and commercial chancery
- Civil fraud & asset tracing
- Financial Regulatory
- Freezing orders, search orders and Norwich Pharmacal disclosure orders
- Insurance & reinsurance
- Mediation

■ Commercial dispute resolution

■ Offshore litigation

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## WHAT OTHERS SAY

“An excellent advocate and strategist.”

Legal 500 UK Bar 2016 – Commercial Litigation & International Arbitration

“He has the ear of the court and is very good in the way he presents his submissions – he’s very crisp, very concise and very persuasive.” “He is bright, responsive and great to work with.”

Chambers UK Bar 2016 – Commercial Dispute Resolution

“He just has such a sharp mind; he gets straight to the point and has a laser-like focus.”

Chambers UK Bar 2016 – Insurance

“His particular skill is his wealth of experience: we had several gaps in our knowledge that he was able to plug.” “A very bright guy who’s willing to consider all the arguments in difficult cases.”

Chambers UK 2015 – Fraud: Civil

“A towering intellect and someone who is destined for great things,” who is known for the depth of his expertise.

Chambers UK 2015 – Insurance

“Clients like his style of advocacy and his incisiveness.” “A very bright guy who’s willing to consider all the arguments in difficult cases.”

Chambers UK 2015 – Commercial Dispute Resolution

Really excellent.”

Legal 500 2014 – International Arbitration: Counsel

“Highly rated for general commercial and insurance disputes.”

Legal 500 2014 – Commercial litigation

“An outstanding narrative advocate” with a “first-rate intellect.” Instructing solicitors say: “His

attention to detail, commitment and high intelligence shine through very clearly,”

Chambers Global 2013

UK- dispute resolution: commercial

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## ARBITRATION & RELATED COURT APPLICATIONS

Paul has extensive experience of representing clients in *ad hoc* and institutional arbitrations, including ICC and LCIA arbitrations, covering a wide range of commercial disputes, including insurance and reinsurance and shareholder disputes. Cases include in particular disputes arising out of pharmaceutical products liability.

Recent arbitrations include:

- A related set of arbitrations concerning recovery under a bespoke liability policy covering US risks, for a major pharmaceutical company.
- Bermuda Form arbitrations for a products manufacturer arising out of consumer healthcare products.
- Bermuda Form arbitrations for various manufacturers arising out of historic environmental pollution claims.
- Several Bermuda Form arbitrations for a major pharmaceutical company arising out of the settlement of a mass tort claim.
- Bermuda Form arbitration for a medical devices manufacturer arising out of a mass tort claim.
- LCIA arbitration for investors arising out of the insolvency of a Russian enterprise.
- LCIA arbitration for venture capital vehicle arising out of shareholder dispute in Russia.
- LCIA arbitration for investor arising out of shareholder dispute in Russia and Cyprus.
- LCIA arbitration for investor arising out of shareholder dispute in Russia.

Cases include:

- *Kruppa v Benedetti* [2014] EWHC 1887 (Comm), [2014] 2 Lloyd's Rep 421
  - *A v B* [2011] EWHC 2345 (Comm), [2011] 2 Lloyd's Rep 592
  - *SAB Miller v East African Breweries* [2009] EWCA Civ 1564, [2010] 2 Lloyd's Rep 422
  - *Loon Energy Inc v Integra Mining (B) Sdn Bhd* [2007] EWHC 1876 (Comm)
  - *Weissfisch v Julius* [2006] 1 Lloyd's Rep 716 (CA)
  - *XL Insurance Co Ltd v Owens-Corning* [2001] 1 All ER (Comm) 530
  - *Case C-126/97 Eco Swiss* [1999] ECR I-3055; *Associated Electric and Gas Services v European Reinsurance Co of Zurich* [2003] UKPC 11, [2003] 1 WLR 1041
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## **BANKING & FINANCIAL SERVICES**

Paul frequently advises on and appears in cases involving the construction of banking and financial services contracts. He has also represented clients and regulators in regulatory proceedings, before the Upper Tribunal, and in the Court of Appeal and the Administrative Court.

Cases include:

- *TAEL One Partners Ltd v Morgan Stanley & Co International plc* [2015] UKSC 12, [2015] 4 All ER 545
- *Grout v Financial Conduct Authority* [2016] UKUT 302 (TCC)
- *Bittar v Financial Conduct Authority* [2016] UKUT 602 (TCC)
- *Vogt v Financial Conduct Authority* [2016] UKUT 103 (TCC)
- *Ashton v Financial Conduct Authority* [2016] UKUT 5 (TCC)
- *R (on the application of Grout) v Financial Conduct Authority* [2015] EWHC 596 (Admin)
- *Carrimjee v Financial Conduct Authority* [2015] UKUT 79 (TCC)
- *Macris v Financial Conduct Authority* [2015] EWCA Civ 490, [2016] 2 All ER 265
- *ING v Ros Roca* [2011] EWCA Civ 353, [2012] 1 WLR 472
- *Renaissance Capital Ltd v ENRC Africa Holdings Ltd* (2011)
- *Arch Financial Products v Financial Conduct Authority* [2015] UKUT 13 (TCC)
- *Whistlejacket Capital Ltd* [2008] EWCA Civ 575, [2008] 2 BCLC 683

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## **CHANCERY LITIGATION AND COMMERCIAL CHANCERY**

Paul advises and appears in chancery litigation and commercial chancery cases involving commercial, financial, or civil fraud issues.

Cases include:

- *Iiyama (UK) Ltd v Samsung Electronics Co Ltd* [2016] EWHC 1980 (Ch)
- *Webb v Lewis Silkin LLP* [2015] EWHC 687 (Ch)
- *Rawlinson v Hunter Trustees Ltd v ITG Ltd* [2014] EWHC 3764 (Ch)
- *African Strategic Investment (Holdings) Ltd v Main* [2011] EWHC 2223 (Ch)
- *Whistlejacket Capital Ltd* [2008] EWCA Civ 575, [2008] 2 BCLC 683
- *Brown v Bennett* [2002] 2 All ER 273

## CIVIL FRAUD & ASSET TRACING

Paul often advises and acts in cases of civil fraud, acting for both claimants and defendants. He has appeared in many cases involving freezing injunctions, and has brought and defended committal proceedings in contempt cases. He has appeared in England and in the BVI.

Cases include:

- *National Crime Agency v Blue Holdings Ltd* [2016] EWCA Civ 760
- *Otkritie International Investment Management v Urumov* [2014] EWCA Civ 1315, [2015] CP Rep 6
- *Otkritie International Investment Management v Gersamia* [2015] EWHC 821 (Comm)
- *Concept Oil Services v En-Gin Group LLP* [2013] EWHC 1897 (Comm)
- *JSC BTA Bank v Solodchenko* [2010] EWHC 2843 (Ch) [2011] 1 WLR 906, [2010] EWCA Civ 1436, [2011] 1 WLR 888
- The *Cherney v Deripaska* litigation
- *Brown v Bennett* [2002] 2 All ER 273
- *The long-running cases of Compagnie Noga d'Importation et d'Exportation SA and Tajik Aluminium Plant v Ermatov*

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## COMMERCIAL DISPUTE RESOLUTION

Paul has wide experience of commercial litigation, including cases involving jurisdictional and choice-of-law issues. Broad subject-matters include confidentiality and privacy, competition law, and aspects of European law and public law. Author of *The Law of Confidentiality: A Restatement* (2008).

Cases include (see also Arbitration):

- *Iiyama (UK) Ltd v Samsung Electronics Co Ltd* [2016] EWHC 1980 (Ch)
- *Rawlinson v Hunter Trustees Ltd v ITG Ltd* [2014] EWHC 3764 (Ch)
- *Cadogan Petroleum Holdings Ltd v Global Process Systems LLC* [2013] EWHC 214 (Comm), [2013] 2 Lloyd's Rep 26
- *New Century Media Ltd v Makhlay* [2013] EWHC 3556 (QB)
- *African Strategic Investment (Holdings) Ltd v Main* [2011] EWHC 2223 (Ch)
- *Re Chief Justice of Gibraltar* [2009] UKPC 43

- *St Ivel Ltd v Wincanton Group Ltd* [2008] EWCA Civ 1286
  - *Douglas v Hello! Ltd (No 3)* [2008] 1 AC 1
  - *Anya v University of Oxford* [2001] ICR 847
  - *Wilson v Housing Corporation* [1998] ICR 150
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## **FINANCIAL REGULATORY**

Paul has experience of financial regulatory work, and has acted for the FCA and for the subjects of proposed regulatory action. He has appeared in the RDC, and before the Upper Tribunal and the Court of Appeal in regulatory cases.

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## **FREEZING ORDERS, SEARCH ORDERS AND NORWICH PHARMACAL DISCLOSURE ORDERS**

Paul frequently advises and appears for claimants and defendants in freezing injunction and search order cases.

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## **INSURANCE & REINSURANCE**

Paul has an extensive practice in Insurance and Reinsurance, especially but not exclusively relating to the Bermuda Form liability policy, where he is the co-author of a leading book (with Richard Jacobs QC and Lorelie Masters), which was joint winner of the BILA Insurance Law Book Prize, 2012.

Cases include (see also under Arbitration):

- *Federal-Mogul Asbestos Personal Injury Trust v Federal Mogul Ltd* [2014] EWHC 2002 (Comm), [2014] Lloyd's Rep IR 671
  - *Astrazeneca Insurance Co Ltd v XL Insurance (Bermuda) Ltd* [2013] EWHC 349 (Comm), [2013] Lloyd's Rep IR 290, [2013] EWCA Civ 1660, [2014] 2 All ER (Comm) 55
  - *Financial Services Compensation Scheme Ltd v Larnell (Insurances) Ltd* [2005] EWCA Civ 1408, [2006] QB 808
  - *Pilkington UK Ltd v CGU Insurance plc* [2004] EWCA Civ 23, [2005] 1 All ER (Comm) 283
  - *Quinta Communications SA v Warrington* [1999] 2 All ER 123
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## **OFFSHORE LITIGATION**

Paul has appeared in interlocutory applications, trials, and appeals in the BVI. He has assisted local advocates with litigation and applications in Jersey and Guernsey.

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## **CAREER**

2015 Middle Temple (Bencher)

2011 Called to Eastern Caribbean Supreme Court

2010 Took Silk

1993 BVC (Inns of Court School of Law), called to the Bar (Middle Temple)

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## **EDUCATION**

1992 LLM, Harvard Law School

1991 BA (Law) (First Class), Cambridge University, Downing College

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## **AWARDS**

Queen Mother's Scholar (Middle Temple)

Kennedy Memorial Scholar