

# ESSEX COURT CHAMBERS

## BARRISTERS



### VERNON FLYNN QC

Call: 1991 | Silk: 2008

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## PROFESSIONAL PRACTICE

Vernon Flynn QC is a “*superstar*” and “*veteran of many heavyweight litigation battles*”. He has a wide ranging practice in international and domestic commercial law “*at the highest level*”. He has extensive experience of trial work and appellate advocacy and has unusually extensive experience of civil tribunals (often where the substantive law is not English law). He is frequently instructed in very high value, multi-jurisdictional disputes.

He is particularly noted for being a “*powerful courtroom leader*” with a “*brilliant courtroom manner*” and “*a great advocate*”, “*who really impresses judges*” and whose “*advocacy is very powerful and persuasive*” and also noted for his “*fantastic courtroom demeanour*” and cross-examination, his “*sharp, tactical mind*”, “*a great blend of intellectual analysis and practical guidance through complex cases*”, his “*commercial and strategic mindset*” and “*fantastic way with the judges*” and for being “*superb with clients*”.

He has also been described in the legal guides as “*absolutely brilliant*”, “*fabulous*”, “*outstanding*”, “*sensational on his feet*”, “*an exceptional advocate*”, “*a big hitter*”, “*fantastic and highly effective*”, “*incredibly slick*”, “*incredibly bright*”, “*charming and urbane*”, “*versatile and impressive*”, “*bright and fluent*”, “*thorough and diligent*”, “*energetic and imaginative*”, “*commercial and practical*”, “*exceptionally fast, clever and affable*”, “*very tactically aware and very bright*” and is also noted for his “*dynamic enthusiasm*” and “*ability to key into clients’ commercial imperatives that acts as a barometer by which others are judged*”.

Vernon Flynn QC is someone you “*always want on your side*” and who “*engages in effortless dialogue with the court, deflecting every negative element of a case to the other side of the*”

*courtroom.” Instructing solicitors appreciate the fact that he is “an exceptionally bright and persuasive advocate who has a masterful ability to prepare and present a case”, “a brilliant mind with wonderful client skills” and that he “puts his heart and soul into fighting a case” whilst remaining “accessible and enjoyable to work with.” For some he has “the capacity to make the best of even a dog’s breakfast of a brief” and is “hugely impressive in predicting judicial instincts”.*

As a commercial silk, he has continued his diverse practice in “big ticket” multi-jurisdictional disputes. His cases have ranged from substantial trial and appellate advocacy to injunctive or other interim relief. They have involved instructions to appear in many jurisdictions such as the Cayman Islands, Anguilla, Hong Kong, Seychelles, Sweden, Singapore, British Virgin Islands, Gibraltar, Tanzania, Qatar and Dubai. Many of his cases concern clients from Russia or the CIS countries, the Middle East and Africa.

Recent work (2014-2015) has included (1) acting for the Union of India in the long running arbitration against Reliance Industries (London seat, Indian law), (2) for 2 Ukrainian oligarchs in BIT and ECT claims against the Ukraine, (3) acting for Woodsford Litigation Funding in the long running dispute between Chevron and Equador in the Gibraltar proceedings, (4) BIT claims involving Austria and Mauritius, (5) for Airbus in a substantial ICC arbitration, (6) a mining arbitration in Tanzania (Tanzanian law and seat), (7) in the Court of Appeal in *Tanoh v Ecobank* in relation to an anti-enforcement arbitration involving two African judgments, (8) for the Russian Federation in a commercial arbitration, (9) for Lukoil in a dispute with Chinese interests over the sale of the company, (10) acting for Chinese interests against an Australian claimant in relation to a share sale agreement (seat HK, law of NSW), (11) acting several power purchase agreement arbitration (London or Lahore seat, law of Pakistan), (12) acting in an ICC arbitration in a property dispute (English law, Dubai seat), (13) acting in the DIFC to set aside/annul an arbitration award, (14) acting for Baker-Hughes in a dispute relating to events in Basra, (15) acting in numerous cases in the BVI including 2 Court of Appeal appearances, (16) acting behind the scenes in several major transactions (such as Net a Porter and Autotrader), (17) several appearances in the DIFC at both first instance and Court of Appeal, (18) for Diagio in High Court proceedings.

Past cases include acting for the Head of State of the UAE in the Seychelles High Court in a sovereign immunity case, a trial in the Grand Cayman High Court against Wafic Said in a dispute concerning the main telecommunications company in Syria, an arbitration in Stockholm concerning the supply of gas between Russia and the Ukraine, a challenge to a Nigerian Award concerning a major hotel in Abuja, Nigeria, BP in the Buncefield litigation, a major trial in the DIFC, a number of mining and telecom disputes in Africa, the Nomihold litigation, various hedge funds and major banks (such as JP Morgan, Morgan Stanley, the Bank of St Petersburg amongst others), two ICC arbitrations concerning the distribution of beer in Tanzania and Kenya,

numerous other Russian and CIS related cases, a major popular musician in a royalty dispute, BIT claims, several LNG pricing cases and numerous shipping, fraud and arbitration related matters. In addition he has considerable experience of cross-border insolvency issues and asset tracing and recovery.

He is ranked as a leading commercial silk in several areas in the Legal 500: Commercial Litigation, Energy, Civil Fraud, Banking and Finance, International Arbitration and Shipping.

He has particular expertise in international arbitration under most institutional rules both as arbitrator and counsel. *“The ‘absolutely brilliant’ Vernon Flynn QC is an ‘excellent advocate with an encyclopaedic knowledge of English arbitration law.’* He has appeared in many of the important cases under the 1996 Act including *Fiona Trust*, *Azov Shipping v Baltic Shipping*, *A v B*, *Cetelem v Roust*, *SAB Miller*, *Nomihold v MTSF* and *Westland Helicopters*. He was a Visiting Fellow of the London School of Economics from 2003 to 2009 on the LLM course, International and Comparative Commercial Arbitration, which course he co-founded.

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## AREAS OF EXPERTISE

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| ■ Arbitration & related court applications     | ■ Energy & natural resources                   |
| ■ Aviation                                     | ■ Injunctions, interim relief                  |
| ■ Banking & financial services                 | ■ Insurance & reinsurance                      |
| ■ Civil fraud & asset tracing                  | ■ International commercial arbitration         |
| ■ Commercial dispute resolution                | ■ International trade, transport & commodities |
| ■ Commodity disputes                           | ■ Media, art, entertainment                    |
| ■ Company & insolvency law                     | ■ Professional negligence                      |
| ■ Conflict of laws & private international law | ■ Shipping & admiralty                         |

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## WHAT OTHERS SAY

Comments in the Legal 500 and Chambers and Partners include the following:

Vernon Flynn QC handles a wide range of international and domestic commercial law. He offers *“a great blend of intellectual analysis and practical guidance through complex cases.”* In addition, he is *“sensational on his feet and great with clients.”* (Chambers Global, 2011)

Vernon Flynn QC *‘is great, one of the most responsive QCs around’* (Legal 500 2010 – Commercial Litigation)

The ‘*outstanding*’ Vernon Flynn QC won indemnity costs for BP in the *Buncefield* litigation. (Legal 500 2010 – Energy)

Vernon Flynn QC is known for his advocacy work, where he has achieved an admirable reputation and gathered a loyal following among solicitors. (Chambers 2011, Shipping and Commodities)

Vernon Flynn QC is extremely well liked by clients, who value his “*charm, affability, efficiency and sound legal instincts*.” He has appeared in some of the highest-profile cases of the past few years, including the Fiona Trust litigation and the Buncefield trial. (Chambers 2011, Commercial Dispute Resolution)

Vernon Flynn QC also attracts considerable praise from sources who note that “*although he is fairly new in silk, he has already amassed considerable experience of international disputes*.” A number of very high-value matters have dominated his caseload recently, one of which was a multimillion-pound shipping dispute. (Chambers 2011, Arbitration)

Essex Court Chambers also boasts a top performer in the shape of the “*incredibly slick*” Vernon Flynn QC. His recent work has seen him acting in two theatre disputes, and in a royalty dispute for a heavyweight musician. “*Bright and fluent, he is a charming and calm advocate*,” according to sources. (Chambers 2011, Media and Entertainment)

Vernon Flynn QC is ‘*efficient and affable, with very sound legal instincts*’. (Legal 500 2010, Civil Fraud)

*The “exceptionally fast, clever and affable” Vernon Flynn QC enjoys a wide practice, both at home and abroad. Recently made a silk, he is widely tipped to do well after a glittering career as a junior.* (Chambers 2009, Commercial Dispute Resolution)

Vernon Flynn QC is a “*down-to-earth and user-friendly*” new silk with “*an excellent feel for arbitration*,” (Chambers 2009, International Arbitration)

*Renowned for his commercial litigation expertise, Essex Court Chambers’ newly appointed silk Vernon Flynn QC charms clients with his “personable and no-nonsense approach.” He has a strong pedigree in this sector, having been involved in high-profile matters concerning George Michael and Sony, as well as the Spice Girls. In 2007, he completed the royalty dispute for The Beatles against EMI.* (Chambers 2009, Media and Entertainment)

*“Energetic and imaginative,” Flynn is a new silk whose practice covers a wide range of commercial law, including commodities arbitrations.* (Chambers 2009, Shipping and Commodities)

*“Vernon Flynn is one of the Bar’s most versatile and impressive juniors, his practice covering banking, shipping, fraud and sport to the highest level.”* (Legal 500 2005: Commercial Litigation)

*“Vernon Flynn is promoted for his work on Fiona Trust amongst others as a ‘star in the making; he has a prodigious appetite for work’. Intellectual confidence, a broad practice and a flexibility of approach, whether led or unled, mark out Flynn’s ‘first-class’ practice, where he is often pitched against silks, and which rank he will surely emulate.”* (Legal 500 2007-8: Shipping)

*“Thorough and diligent,” Vernon Flynn is “not fazed by big-ticket litigation.” Ample evidence of this is provided by a caseload that ranges from defending a Russian billionaire against claims that he used bribery to procure favourable contracts from the Russian State Shipping Corporation (Sovcomflot) to involvement in the proceedings arising from the Buncefield oil depot explosion. Solicitors deem him “fabulous,” commending his “commercial and strategic” mindset.”* (Chambers and Partners 2008, Commercial Dispute Resolution)

*“Vernon Flynn evinces an ability to key into clients’ commercial imperatives that acts as a barometer by which others are judged. His excellent manner with clients is informed by a “very wise and experienced head.””* (Chambers and Partners 2006: Commercial Litigation)

*‘Very commercial and practical’* (Legal 500 2007-8: Arbitration)

*“Vernon Flynn is a ‘star in the making’; he has a ‘prodigious appetite for work: turnaround time amazing’.* (Legal 500 2007-8: Banking and Finance)

*“notably stronger than most at cutting through a mass of detail in order to get to the things that matter.” Commentators further applaud his “confident, positive and aggressive style.”* (Chambers and Partners 2008, Arbitration)

*“Dedicated and fast working,” Vernon Flynn represented The Beatles in a multimillion-pound royalty dispute with EMI, and is well-liked at the media Bar. Sources rate him as “incredibly bright and terribly nice to work with.” Commercial disputes with an IP element form the bulk of his practice.”* (Chambers and Partners 2008, Media and Entertainment)

*‘fast, clever, efficient and affable’* (Legal 500 2007-8: Civil Fraud).

*Vernon Flynn is praised by solicitors for ‘clear pleadings’ and being ‘highly intelligent’* (Legal 500 2007-8: Media and Entertainment).

*“Vernon Flynn came in for praise among sources for his pragmatism and “outstanding ability to take on matters with terrific speed and accuracy.”* (Chambers and Partners 2006: Media)

*Vernon Flynn is rated as “superb with clients” (Chambers and Partners 2006: Sport)*

*Vernon Flynn is also highly rated in [Media and Entertainment] and for his film and television work. ‘A solid and dependable junior, liked by all who instruct him’ ...” (Legal 500 2005: Media and Entertainment)*

*“The ‘clever, efficient and affable’ Vernon Flynn is ‘quick to respond’ in addition to being ‘exceptionally smooth and polished’.” (Chambers and Partners 2005: Commercial Litigation)*

*“Vernon Flynn’s salient features are ‘speed of response and splendid extemporization in the courtroom.’” (Chambers and Partners 2002: Commercial Litigation)*

*“sharper than a drawer of knives” (Chambers and Partners 2005: Media and Entertainment)*

*‘a clever and conscientious lateral thinker’. (Chambers and Partners 2003: Commercial Arbitration)*

*“a high flyer ... who has endeared himself to solicitors through being ‘approachable, punctual and well prepared.’” (Chambers and Partners 2003: Commercial Litigation). “rated highly for his strong client skills ...” (Chambers and Partners 2003: Media and Entertainment).*

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## **EXAMPLES OF RECENT CASES**

Recent work for Vernon Flynn QC has included acting for the following:

1. Woodsford Litigation Funding in relation to the claim by Chevron arising out of the multi-billion dollar *Lago Agrio* Litigation in proceedings brought in Gibraltar.
2. Private UK interests in a BIT claim against Mauritius;
3. the Union of India in arbitration proceedings relating to a major energy dispute (under Indian law, HK venue, London seat);
4. a major Aircraft manufacturer in an ICC arbitration relating to aircraft design and alleged breach of confidence;
5. an Italian energy company in an ICC arbitration against a German energy company in relation to LNG pricing;
6. a UAE company in a Qatari arbitration in relation to a substantial agency agreement (Qatari law and seat);
7. a UAE company, Taaleem, in a major trial in the DIFC;
8. the Chodiev, Ibragimov and Machkevitch families in a personal capacity in a Commercial Court trial in the Stein litigation;
9. Meydan Group LLC (against Honeywell) in relation to its challenge of an arbitration award in

London;

0. a Japanese company in a jurisdiction application in the commercial court against Virgin Atlantic Airways;
1. an African mining company in an arbitration (Tanzanian law and seat) in relation to African mining interests;
2. a Japanese company in a substantial commercial court trial relating to the manufacture of aircraft seats in a claim brought by Thai Airways;
3. a joint venture in Commercial Court proceedings arising from an arbitration involving substantial construction contracts in Africa;
4. McDonalds in a substantial dispute concerning intellectual property rights and breach of confidence;
5. the Bank of St Petersburg in BVI proceedings taken against a Russian oligarch;
6. the interests of Bank Austria in BVI proceedings arising from the Madoff litigation;
7. various funds in BVI proceedings arising from a major event of insolvency;
8. a subsidiary of UK interests for interim relief in the commercial court in support of an arbitration concerning an offshore oil platform off the coast of Cameroon;
9. A Chinese company in BVI winding up proceedings in relation to a major insolvency;
0. Westburg in BVI proceedings relating to the enforcement of a US\$100 million Liechtenstein judgment;
1. Australian mining interests in an LCIA arbitration involving mining in Ghana;
2. An Israeli billionaire in a High Court breach of confidence claim; and acting as an expert in various proceedings relating to arbitration in New York and in relation to a major dispute involving telecoms in Africa.

***Investors Compensation Scheme v West Bromwich Building Society*** [1998] 1 WLR 896, [1998] 1 All ER 98, HL.

- ***Stocznia Gdanska v Latvian Shipping*** [1995] 2 Lloyd's Rep 592 (Clarke J); [1996] 2 Lloyd's Rep 132 (CA); [1998] 1 WLR 574; [1998] 1 All ER 883, [1998] 1 Lloyd's Rep 609; [1998] CLC 540; The Times 28 February 1998 (HL).

- ***Canada Trust v Stolzenberg (No 2)*** [1997] EWCA Civ 2590, [1998] 1 WLR 547; [1998] 1 All ER 318, [1998] CLC 23, (CA – Nourse, Pill, Waller LJ).

***K/S Penta Shipping A/S v Ethiopian Shipping Lines Corporation ("The Saga Cob")*** [1992] 2 Lloyd's Rep 545, CA.

- ***Schelde Delta Shipping BV v Astarte Ltd ("The Pamela")*** [1995] 2 Lloyd's Rep 249 (Gatehouse J).

- ***West of England Shipowners' Mutual Insurance Association (Luxembourg) v Cristal***

**Ltd (“The Glacier Bay”)** [1995] 1 Lloyd’s rep 560 (Waller J); [1996] Lloyd’s Rep (CA – Neill, Waite, Pill LJJ).

- **The Varna (No 2)** [1994] 2 Lloyd’s Rep 4, Clarke J.
- **A/S Svendborg v Wansa** [1996] Lloyd’s Rep, (Clarke J); [1997] Lloyd’s Rep 183 (CA – Staughton, Aldous, Waite LJJ).
- **George Panayioutou (pka George Michael) v Sony Music Entertainment (UK) Limited** [1994] EMLR 229 (Jonathan Parker J).
- **Stocznia Gdanska v Latvian Shipping** [1997] 2 Lloyd’s Rep 228 (Colman J).
- **Vitol Energy (Bermuda) Limited v Pisco Shipping Co Limited** [1998] EWCA Civ 591, [1998] 1 Lloyd’s Rep 509, [1998] CLC 362, (CA – Hirst, Robert Walker LJJ, Harman J).
- **West Bromwich Building Society v Mander Hadley** The Times 9 March 1998; [1998] CLC 814, (CA – Millett, Schiemann LJJ, Sir Brian Neill).
- **Deutsche Ost Afrika Linie v Legent Maritime (“The Marie H”)** [1998] Lloyds Rep 71 (Timothy Walker J).
- **Azov Shipping Company v Baltic Shipping Company (No 1)** [1998] CLC 1240 (Rix J).
- **Islamic Investment v Transorient Shipping (“The Nour”)** (CA – Evans, Henry, Chadwick LJJ) [1998] EWCA Civ 1367, [1999] 1 Lloyd’s Rep 1.
- **In re Latreefers Inc** (Lloyd J) – The Times, 18<sup>th</sup> January 1999; [1999] 1 BCLC 271.
- **Azov Shipping Company v Baltic Shipping Company (No 2)** (Longmore J) – [1999] 2 Lloyd’s Rep 39; [1999] 1 All ER 476; [1999] CLC 624.
- **Alford v West Bromwich Building Society** (Evans-Lombe J) – [1999] Lloyd’s Rep (Professional Negligence) 496.
- **Danae v Air Canada** [2000] 1 WLR 395; [1999] 2 Lloyd’s Rep 547; The Times, 5<sup>th</sup> August 1999 (Court of Appeal); [1999] 2 Lloyd’s Rep 105; [1999] 1 All ER (Comm) 794; The Times, 31<sup>st</sup> March 1999 (Longmore J) .
- **Azov Shipping Company v Baltic Shipping Company (No 3)** (Colman J) [1999] 2 Lloyd’s Rep 159; [1999] 2 All ER 453.

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## ARBITRATION & RELATED COURT APPLICATIONS



Has advised and acted in a very substantial number arbitrations both under the Arbitration Act 1996 and the previous legislation. Acts as arbitrator as well as counsel. Has been instructed in or conducted hearings before sole and three-man tribunals at both interlocutory and final stages from short hearings to six week trials (including LMAA, LCIA, ICC, LME, UNCITRAL, ICSID, BITS and other procedural rules). Has advised and appeared in a wide range of appeal and substantive jurisdiction proceedings both under the 1996 Act and its predecessors. Was a Visiting Fellow of the LSE in International Commercial Arbitration from 2003-2009.

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## **BANKING & FINANCIAL SERVICES**

Has acted and advised in a wide range of banking and lending disputes both international and domestic including guarantee disputes, letters of credit, documentary credits, bills of exchange, performance bonds, financial services, listing particulars, bond issues, fraud, constructive trust claims, security claims, limited partnerships, investment trusts, secured financing, creation enforcement and transfer of security rights, equity release lending, injunctions. Have represented major clearing banks on numerous occasions for both advisory work and hearings.

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## **CIVIL FRAUD & ASSET TRACING**

Have advised and appeared in many international and domestic civil fraud cases, but more particularly international fraud.

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## **COMMERCIAL DISPUTE RESOLUTION**

All aspects of advisory work and hearings in the Commercial Court. Sale of goods, insurance, contractual and non-contractual termination; jurisdictional disputes, Brussels Convention, Rome Convention and proper law, anti-suit injunctions, worldwide and other Mareva injunctions, stay in favour of arbitration, arbitration disputes, service out of the jurisdiction, guarantee disputes, bills of exchange, documentary credits.

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## **ENERGY & NATURAL RESOURCES**

Has advised and acting in a broad range of cases concerning energy and utilities including oil and gas and electricity supply contracts.

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## MEDIA, ART, ENTERTAINMENT

Advisory work and litigation including record contract disputes, restraint of trade, royalty disputes, band management disputes, tour disputes, injunctions, media contracts (such as B Sky B's commercial agreements), telecom and television disputes, film contracts, film finance, breach of confidence etc. Instructed in **George Michael v Sony** as junior counsel for Sony; **Apple v EMI**, **Michael Flatley v John Reid Enterprises**; **Spice Girls v Aprilia**; **Spice Girls v Lynn**; **EMI v Talking Heads** (sole representative of two members of the band); Sheryl Crow's dispute with the Chart Regulators; injunction proceedings for Arcade Records in their dispute over the Yabba Dabba Dance album and Arcade Records dispute with Global (a BMG subsidiary) over the Gala track ("Freed from Desire") and many others (including cases involving Chris de Burgh, Let Loose, Incognito, Crazy World of Arthur Brown, Paul Weller, Robbie Williams, Phil Collins). In relation to sports law, have advised and acted in a large range of case from drafting internet broadcasting agreements for sports events to acting for the Welsh Amateur Boxing Federation in its claim against the English association. Has acted in a wide range of film work from guarantee work to insurance disputes to production disputes.

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## PROFESSIONAL NEGLIGENCE

Have been involved in many cases which concern allegations of professional negligence for and against solicitors, surveyors, brokers etc. This includes the Buncefield group litigation.

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## SHIPPING & ADMIRALTY

Has advised and acted in all aspects of shipping work from the House of Lords to arbitrations: time and voyage charterparty disputes, cargo claims, shipbuilding contracts, collisions, salvage, claims handling disputes, ship sale and purchase. Jurisdictional and private international law disputes, stays, anti-suit injunctions, *forum conveniens*, proper law, worldwide freezing orders, setting aside injunctions, service out of the jurisdiction.

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## CAREER

2003-2009 Visiting Fellow of the London School of Economics in International Commercial Arbitration

1991      Called to the Bar at Lincoln's Inn

1990-1      The Inns of Court School of Law

1990          Commercial Law Tutor at LSE

1986-9      Trinity College Cambridge

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## **EDUCATION**

2008          Queen's Counsel

2007          Commercial Litigation Junior of the Year (Chambers and Partners)

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## **AWARDS**

1991 The Denning Scholarship, Lincoln's Inn (then the top scholarship awarded)

1990 Hardwicke Scholarship, Sir Thomas More Award – Lincoln's Inn

Trotman Senior Exhibition

Mary Datchelor Award

1989 First Class Honours in Law

Senior Scholar and Whittaker Scholar – Trinity College Cambridge

The Lizette Bentwich Prize and College Tripos Prize