

## Timothy Frith

Tim is a highly experienced barrister who acts in domestic, international and offshore cases. He is called to the bar of England & Wales, Bermuda and BVI and has a strong Commercial, Corporate, and Trust practice with expertise in complex multi-jurisdictional high value work. He has represented international and local clients in a wide range of jurisdictions in Court, Arbitration and Mediation. Tim is a Fellow of the Chartered Institute of Arbitrators and a CEDR accredited mediator.

He has worked in law-firms in Singapore, Bermuda and BVI and understands that good client skills and effective team work are essential in achieving the best results for a client whether in collaboration with international firms on large scale projects or by simply having a good effective working relationship with an instructing solicitor or in house counsel in Domestic work. Tim has a wide experience of all areas of civil work which he brings to bare in achieving pragmatic, business orientated and cost effective results for his clients.

### Client Testimonials

#### “Tim is a Class Act”

Principal Client in long running joint venture dispute valued at \$300m

**“At all times I found Tim intimately connected with the case, prompt, professional and his advice to the Trust was near-flawless. I have encountered many dozens of lawyers in a long law enforcement career and now private sector career and it was refreshing to experience Tim who at all times exuded confidence, care, diligence and professionalism-something I have rarely seen.”**

Former Commissioner of Police in Bermuda regarding High Value Bermuda Trust Case

**“My Canadian Counsel has had reason to be in regular contact with Tim. In all of his and my dealings with Timothy Frith we have found him to be very professional and are particularly impressed with his ability to**



**Year of Call: 1996**

BVI: October 2015

Bermuda: September 2013

England & Wales: November 1996  
(Middle Temple)

Contact Practice Manager

Cliff Alderson

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020 7797 8303

**collaborate with other co-defendants.”**

Global Chairman of Asset Manager in dispute linked to control of a corporation with \$200 billion under management

**“At all times I consider that Tim acted very effectively and in our best interest and it was clear to us both that he was an accomplished barrister and lawyer.”**

Client in dispute concerning sale of Hedge Fund to US investors.

## Further information

### Publications

- The International Comparative Guide to Insurance and Reinsurance (2015)
- The International Lending and Secured Finance Review (2013-2015)
- Telecommunications and Media (2013-15) (GTDT) (edited by Freshfields)
- “The Measure of Charity”: Bermuda and the Parametric Reinsurance of African Drought Relief (2013) (ICG I&R)
- Asset Finance & Secured Lending (2013-14) (PLC)
- Dispute Resolution Multijurisdictional Guide (2013) (PLC) edited by Lord Philips
- Investment Opportunity & Telecommunication Reform (Law Society Gazette) (2012)
- Insuralex Review (2014)
- Contributing Editor to Butterworth’s Law of Limitation
- Regular contributor to MJM law blog, circulars and reviews

### Qualifications

**Called to the BVI Bar (October 2015)**

**Called to the Bar of Bermuda (September 2013)**

Registered Associate Bermuda Bar (September 2012)

**Fellow of the Chartered Institute of Arbitrators (2008)**

Lecturer (Part-Time) (BPP Law School) (2004-5)  
Direct Public Access Certification (College of Law) (2004)  
CEDR Accredited Mediator

(Centre for Effective Dispute Resolution) (2004)

Member of the Chartered Institute of Arbitrators (2004)  
Diploma in International Arbitration (2003)

Chartered Institute of Arbitrators [Malaysia]



## **Bristol University (2000-2003)**

### **LLM (Commercial Law)**

Subjects Taken:

Commercial Law, Company Law, Employment Law, Credit Security and Insolvency

Dissertation on Insurance law:

“Subrogation: The Development of Conceptual Unity”

## **Pegasus Scholarship (Singapore) 1999**

### **Called to the Bar of England & Wales: November 1996 (Middle Temple)**

The Bar Vocational Course (1995-6)

The Inns of Court School of Law

The Common Professional Examination (1994-5)

The College of Law (Guildford)

## **St Andrews University**

MA (Hons) III History (1987-1991)

## **Memberships**

- Bermuda Bar Association
- ComBar
- IBA (International Bar Association)
- Middle Temple
- Chartered Institute of Arbitrators
- CLA (Country Land & Business Association)
  - Legal and Parliamentary Committee (2009-2012)
  - Chairman, Surrey Branch (2010-2012)
  - Vice Chairman, Surrey Branch (2007-2010)
- Examples of Marketing Activities
- Client visits and attendance at firms in Canada, Bermuda, London and BVI (2015-2016). Planned and organised Insuralex Convention in Bermuda (2013). Organised and attended marketing events and client visits for MJM in London (2012) and New York (2012). IBA Conferences in Boston (2013), Madrid (2010) and Singapore (2007). Marketing activities at major Equestrian Events (2006-2008) for Casalier Chambers. International Client visits in Jordan and Dubai (2008-2010). Organised and lectured in a three day Advocacy Workshop to the Kuala Lumpur Bar Council in Malaysia 2005 & 2007. Organised and attended one week Marketing initiative in Singapore 1999. Organised and participated in a wide range of seminars and marketing activities for the commercial groups of Devereux and Lamb Chambers in the UK.



- Languages
- Spanish
- Interests
- Travel: Travelled extensively in Europe, Middle and Far East, Asia, North & South America and Australia. Worked in Bermuda (4yrs) Chile (3 years), Singapore (5 months), BVI (4 months) USA (4 months).
- American and European Literature and History, Cinema, Theatre, Music, Sailing, Fencing, Carriage Driving and Rural Life
- Clubs
- Royal Bermuda Yacht Club, Royal Hamilton Amateur Dinghy Club, Bosham Sailing Club, Royal British Virgin Islands Yacht Club, Lansdowne Club, The Worshipful Company of Basket Makers

## Publications

- The International Comparative Guide to Insurance and Reinsurance (2015)
- The International Lending and Secured Finance Review (2013-2015)
- Telecommunications and Media (2013-15) (GTDT) (edited by Freshfields)
- "The Measure of Charity": Bermuda and the Parametric Reinsurance of African Drought Relief (2013) (ICG I&R)
- Asset Finance & Secured Lending (2013-14) (PLC)
- Dispute Resolution Multijurisdictional Guide (2013) (PLC) edited by Lord Philips
- Investment Opportunity & Telecommunication Reform (Law Society Gazette) (2012)
- Insuralex Review (2014)
- Contributing Editor to Butterworth's Law of Limitation
- Regular contributor to MJM law blog, circulars and reviews

## Commercial

### Practice History

#### **Offered Partnership November 2016 – Counsel Harneys Bermuda Ltd**

##### **01/12/15-December 2016**

Lead Counsel in X v Y a high value case in Supreme Court concerning breach of an alleged joint venture agreement central to control of a multinational investment manager. Acting for a Saudi family in high value dispute over the fraudulent divestiture of shares in Bermuda Holding Company. Lead Counsel on commercial, corporate and partnership disputes in Supreme Court and in mediation.

#### **Counsel Harneys BVI**

##### **01/09/15-30/11/2015**



Acted on two freezing injunctions in BVI in respect of clients based in Hong Kong whilst working on Bermuda cases during the transition of cases from MJM to Harneys.

**Barrister – MJM Barristers & Attorneys, Hamilton, Bermuda**

**30/08/2012-31/08/2015**

Commercial, chancery, corporate and insolvency practice. Complex multi-jurisdictional high value trust, insolvency and commercial litigation in Supreme Court. Representation of international and domestic clients in Supreme Court, Court of Appeal, Arbitrations and Mediation. Regularly instructed by Government ministers and departments.

**Barrister – Devereux Chambers. Middle Temple, London – (Member 2009-2012, Door Tenant from August 2012)**

**Lamb Chambers, Middle Temple, London – (Member 1996-2009, Door Tenant from June 2013)**

**01/10/97-1/08/2012**

**Practice:**

**Commercial:** Domestic and international contractual and commercial disputes, the supply of goods and services, dry shipping, finance, the carriage of goods, agency, construction, distribution disputes, banking, finance, partnership, insurance, telecommunications, receivables financing and commercial fraud.

**Company and Insolvency Law:** involving personal and corporate insolvency, corporate governance, restructuring, minority shareholders' claims, directors' disqualification proceedings and a wide range of applications under the Companies Act;

**Interim Relief:** Significant experience of obtaining interim injunctions and freezing injunctions in the High Court.

**Barrister, Commercial Litigation Department – Allen & Gledhill, Singapore**

**01/07/99-01/10/99**

During 1999 worked for the leading Asian law firm of Allen & Gledhill in Singapore on large scale commercial and banking cases in the High Court and Court of Appeal. Appeared as a Junior with leading Senior Counsel in an international commercial arbitration concerning the construction of the Taiwan MRT system. Acted as a Junior in banking arbitration part heard in Thailand and part in Singapore.



## **Pupillage, Lamb Chambers**

**01/10/96-30/09/97**

1st Six months Commercial/Insolvency – Pupil Master: Paul Emerson

2nd Six months Property – Pupil Master: Mark West

### **General Civil Law Experience:**

A wide experience of court, advisory and drafting work in most areas of civil law as a Junior (Commercial, Common Law, Employment, Property and Personal Injury); including appearances in the Court of Appeal, the Employment Appeal Tribunal, the Queen's Bench and Chancery Division of the High Court, the Companies Court, the Technology and Construction Court, HM Land Registry Adjudication, County Courts and Employment Tribunals. In addition ADR work through numerous mediation and domestic and international arbitral tribunals.

### **Examples of Cases**

Currently representing management investment partners in trust claim which is central to the disputed control of a multinational company with a capitalisation of \$40billion and \$200billion assets under management. Hearings and Meetings in Bermuda, Toronto, New York and London.

- Acted for five ex partners of Hay Group in claim against the Bermuda holding company following sale of holding company to Korn Ferry for \$245 million.
- Acting for members of Saudi Family in high value dispute (estimated US\$118 million) concerning unlawful divestiture of shares in Bermuda holding company. Obtained interim injunction in June 2016
- Acting for Attorney General of Bermuda and Minister of Transport and Tourism on a defamation action against the leader of the opposition in Supreme Court and Court of Appeal.
- Acting for Premier of Bermuda in Defamation action in Supreme Court and Court of Appeal.
- Advised Bermuda Government on establishment of Tourism Authority and chief draftsman of Tourism Authority Act 2013.
- Acting for Speaker of the House of Assembly on proposed Parliamentary Procedure (Amendment) Act.
- Acting for Bermudian Fund Manager and a Trust Company in a \$10million dispute concerning the sale and purchase of a fund management company. Supreme Court proceedings and mediation in Bermuda.
- Advised with regard to priority disputes in the



liquidation of investment funds linked to the Madoff Ponzi Scheme.

- Drafted and appeared on a construction summons in extensive family property and trust dispute.
- Acting as lead lawyer in a Bermudian dispute for a declaration that a \$100million portfolio of shares in Canadian Companies is held on trust for a South African businessman.
- Advised in a Minority Shareholder Dispute involving a \$200 million oil rig purchase in Norway.
- Representing US Creditors in Bankruptcy of Canadian Businessman in Bermuda following collapse of Elephant and Castle restaurant chain in USA and Canada.
- Acted on ICC Arbitration for an oil industry supplier and consultant against an Argentine well capping explosive supplier.
- Judicial review of minister of finance on a TIEA application in Bermuda.
- Acted on behalf of a Spanish property company against Bermudian guarantor for rent arrears of cinema complex in Madrid. Hearings in Bermuda. Meetings in Madrid and London.
- Acted for a New York Finance House against Bermudian guarantor involving preliminary issues of Canadian Law.
- Southern Rock Insurance Co Ltd v Endsleigh Insurance acted as junior in claim by offshore insurance company for the negligence of the claims handling company. Instructed by Hogan Lovells.
- Represented a Jordanian distributor in four linked arbitrations against Johnson & Johnson (Middle East) with settlement conferences in Dubai and Jordan.
- Represented a Jordanian Distributor against Beechams International in an ICC arbitration involving hearings and meetings in London, Dubai and Jordan.
- Acted for Spanish equity fund in company shareholder dispute concerning restaurants in Regent's park and Canary Wharf.
- Acted for four sets of Defendants in a series of Claims in the Queen's Bench Division by the Administrators of a finance company for indemnity payments from company directors under warranty documents.
- Acted for BT on a commercial fraud case linked to the dishonest resale of telecommunication services.
- Acted for equity investor in claim against EMC Holdings to recover funds frozen in Malaysia.
- Acted on a commercial fraud case involving the dishonest obtaining of loans and failure of the company involved to effect the required security documentation.
- Represented Spanish lawyers in an application to clear charges on HM Land registry that were dishonestly obtained as part of a fraud involving the sale of a nightclub in Tenerife.
- Acted for subcontractor in dispute associated with the



fitting out of office space in Canary Warf development.

- Represented Claimants in a multiparty action in the Chancery Division concerning “the theft of the business” of a plastics recycling and waste disposal business. [Breach of restrictive covenants, misuse of confidential information and client lists].
- Acted for quarry owners in a claim arising out of arson which delayed ongoing diversification works.
- Acted for a Spanish thread manufacturer in the Queen’s Bench Division in a dispute concerning the quality of moquette fabric for the mass transport industry.

The value of these cases ranged from \$200,000 to \$2billion.

## Reported Cases

- Bermuda
- Gleeson v MDM Ltd [2015] (CA) (Bda)
- Gleeson v MDM Ltd [2014] (SC) (Bda)
- Ribaroff v Williams & Ors [2014] (SC) (Bda) 11 Civ
- Cockwell v Flatt [2014] (SC) (Bda) 85 Civ
- Fifth Street Finance v Dobbin [2013] (SC)(Bda)

## UK

- Chapper v Jackson (2012) (ChD)
- Byrne v Gubbins (2011) (CA) [2011] EWCA Civ 1345
- Lindsey Anne Beard v Azur Villas & Ors [2009] EWHC 1716 (QB) LTL 20/7/2009 All ER(D)148
- Datafind Services Ltd v Sugden & Ors [2007] (ChD) All ER (D)180
- Quest 4 Finance Ltd v John Maxfield & Ors [2007] EWHC 2313 (QB) 2 CLC 706
- Broadway Investments Hackney Ltd v Lowell Gerald Grant (2006) (CA) LTL 20/12/2006 (2007) HLR 23 (2007) L&TR 11
- Smiths Detection Watford Ltd v Berriman (2005) EAT LTL 27/9/2005 All ER (D) 56
- Wadsworth v Nagle [2005] EWHC 26 (QB) LTL 6/4/2005 All ER (D) 216
- Re A Debtor sub nom Valder v Durrant & Anor (2003) LTL 10/7/2003 All ER(D) 177
- Scancom International A/S v RWH Enterprises Ltd [2003] (QBD) All ER (D) 89
- Brent London Borough Council v Douglas Reynolds (CA) (2001) 50 EG 89, Times December 18 2001

## Insolvency

Tim is Head of the International Practice Group and member of the commercial and insolvency practice groups in Lamb Chambers. He has an International and Domestic Commercial, Corporate and Insolvency Practice. Tim undertook an Insolvency and Commercial Pupillage and





thereafter studied Credit and Security as part of his LLM (Comm) at Bristol University. He has wide experience of insolvency applications, petitions, and trials in UK, Bermuda, BVI and Singapore. He acted with MJM and Harneys in Madoff Feeder Fund litigation such as Kingate Global and Tensor. Tim also represented clients in Minority Shareholder oppression and winding up petitions in UK, Saudi Arabia, Bermuda, BVI and Singapore. He has acted on Directors' disqualification proceedings, improper trading claims and negligence actions against Trustees in Bankruptcy. He has also wide experience of recovery actions on behalf of Liquidators and Trustees in Bankruptcy on basis of preferences and Fraud together with applications to wind up companies on just and equitable grounds.

## Examples of Cases

- Acted in large scale insolvency cases in Bermuda and BVI linked to Madoff Feder fund litigation such as Kingate Global and Tensor.
- Currently representing management investment partners in \$1billion trust claim which is central to the disputed control of a multinational company with a capitalisation of \$40billion and \$200billion assets under management. Hearings and Meetings in Bermuda, Toronto, New York and London.
- Acting for five ex partners of Hay Group in claim against the Bermuda holding company following sale of holding company to Korn Ferry for \$245 million.
- Acting for members of Al Bakri Family in high value dispute (estimated US\$118 million) concerning unlawful divestiture of shares in Bermuda holding company. Obtained interim injunction in June 2016
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