



Bird & Bird & First for Disputes

Our fraud and corporate crime group

Our dispute management practice

Business does not always run smoothly and whilst we work with our clients to avoid disputes wherever possible, sometimes they do arise. When you do find yourself in dispute, we will help you to manage the best business advantage.

Chambers Global comments that our commitment to specific sectors distinguishes us from many other firms and enables us to provide a comprehensive array of services to clients and providing them a first-rate service. You will benefit from the experience of more than 100 lawyers in 17 countries, all of whom believe in working in close partnership with their clients.

- **Our integrated approach.** Because we take an integrated approach with our non-contentious colleagues, we become involved in potential disputes from the very earliest stage and we can assess risk, alone or with other professional advisers. This enables us to provide you with early advice in confidence and can lead to the avoidance of costly litigation.
- **Our commercial approach.** Our established understanding of your business means that we will not attempt to impose a lawyer-led approach upon you. We are committed to accompanying you through all stages of the business process and believe firmly that commercial priorities and realities must dictate the general legal strategy. And whether we recommend negotiation, arbitration, mediation or litigation, it will be because that is the right route for your circumstances. Goals may change and alternative approaches may be required at short notice to enable our clients to gain the best result. This level of flexibility is central to our overall philosophy.



The dispute resolution group has developed a formidable reputation. Interviewees praise the team as being “very thorough and knowledgeable,” and highly “user-friendly.”

Chambers UK 2013

Advises on multi-jurisdictional fraud disputes, injunctive relief and asset recovery proceedings. Broad sector expertise.

Chambers & Partners 2014

Our fraud and corporate crime group

Bird & Bird has extensive experience with complex civil and criminal fraud related regulatory investigations. The global trend to crack down on bribery and corruption, false accounting, fraud, market abuse and other illegal activities has led to an increase in enforcement activity. We have a long established practice of advising corporations, professionals and individuals from various industry sectors. Bird & Bird is also experienced in advising clients about making a voluntary disclosure to regulatory bodies and the related consequences and risks.

Sector focus

We don't pretend to be experts in all areas, but where we do excel, we are the equal to any Magic Circle firm. Our sector focus combined with our international reach comprising 23 offices across Europe, the Middle East and Asia involving almost 1,000 lawyers means that we are global leaders in sectors such as Commercial, Technology and Communications, IT, Banking and Finance, Aviation, Defence and Security, Energy and Sports. The depth of experience in each sector, and the fact so many of our lawyers around the world have worked in-house or have relevant degrees that complement their legal qualifications, means that our clients will find they are working with a legal team that already understands the challenges they face.

- **Investment Group** in relation to a fraudulent attempt to order components under the company's name for potential sanctions-busting in relation to the Iranian nuclear power programme, and subsequent investigation by secret services.
- **Financial Institution:** obtaining injunctive relief against multiple defendants in proceedings in respect of alleged fraud.
- **Leading mobile phone operator:** in a complex fraud case which arose out of the hacking into of its bank account by fraudsters acting with the assistance of bank employees.
- **International Construction company:** acting and advising in relation to alleged bribery and corruption against its agents and Joint Venture partner.
- **Online payment services provider:** acting in a fraud investigation into an online customer arising from the collapse of an online pine selling business.
- **Art collector:** acting in a claim against a Belgian auction house in relation to the sale of a painting which was alleged to be fake.
- **Leading gaming company:** in a dispute with a credit company, relating to chargebacks as a result of the fraudulent activity of online gamers.
- **Maritime company:** acting for the claimants in proceedings in Gibraltar against an international French bank involving claims of money laundering, dishonest assistance and knowing receipt.
- **International rail infrastructure provider:** completing a seminal investigation on behalf of a key individual under investigation by the SFO in this ground-breaking bribery and corruption enquiry resulting in a landmark settlement with the first ever Civil Recovery Order agreed with the SFO.



Full range of clients

Bird & Bird leads the market in acting for many of the world's best-known companies. We have been central to many large and complex fraud related disputes of recent years and have provided an extensive range of dispute resolution advice to businesses around the world.

- **CEO of AIM listed company:** acting and advising on a multi jurisdictional fraud case involving allegations of breach of fiduciary duty, conspiracy to defraud and breach of the Companies Act. Advising in subsequent FSA investigation involving allegations of misleading the market and bribery and corruption.
- **Three major financial institutions:** in connection with a cross-border fraud perpetrated by one of its borrowers. This involved an investigation into the factual background and then to secure and maintain freezing orders against the defendants, who were based in the UK and the UAE.
- **High net worth beneficiaries under a will trust:** advising on a HMRC investigation and liaising with international authorities and tax authorities.
- **International investigation services agency:** acting in a variety of disputes including fraud investigations and contractual disputes.
- **Jonathan Phillips as Administrator of the Estate of Christo Michailidis:** in successful proceedings in Gibraltar against Credit Agricole Corporate and Investment Bank involving issues of money laundering, breach of banking practice, dishonest assistance and knowing receipt of stolen funds.
- **Automotive company:** acting in High Court proceedings involving the obtaining of urgent injunctive relief in and the subsequent Commercial Court proceedings. This case involved complex claims in relation to fraudulent issuing of invoices over a five year period.
- **US Telecommunications company** in relation to negotiations with the CPS regarding repurchase of shares of a former shareholder who has been charged with fraud.
- **Training consultancy** in relation to actions against the directors for breach of fiduciary duties including a potential judicial review of the decision by a government agency not to investigate fraudulent claims for grants by the company directors.



"One of the things that I most admire is their availability. Whenever needed, even at the most bizarre times, the team members, including the partner, are always available."

Chambers and Partners 2014 (What clients say)

Full range of fraud and investigative services

Fraud disputes are a major part of our disputes management practice, and over the years we have acted for many leading international companies in complex disputes across all industry sectors. We have acted in matters in the following fields:

- International risk management and compliance advice
- HMRC investigations and associated fraud
- Pension fraud
- Corporate fraud including asset tracing
- Market abuse such as defrauding shareholders and the public
- Money laundering
- Frauds on client funds
- FSA investigations
- Self reporting and investigations conducted by the SFO
- Employee fraud such as diversion of contracts, commercial opportunities and theft of monies
- FCPA/ OECD advice
- Mortgage/ valuation fraud

Anti-bribery capabilities

We have closely followed the developments of the UK Bribery Act and have used our deep experience to assisted clients in drafting and advising on Bribery Act policies and what procedures should be in place to ensure compliance: We have experience in

- Advising on risk assessment and compliance;
- Tailored training for clients on legislation, and specific risks/needs for their business;
- Assisting with e-training;
- Review of existing policies and procedures: risk assessment and 'health check' as part of ongoing review obligation; and
- Advising on potential UKBA breaches (including specific experience of working on one of the largest SFO investigations of recent years)



Particular expertise in asset tracing

The current scale of fraudulent activity globally shows little sign of abating. With the introduction of the Bribery Act and the fact that companies are increasing their efforts to combat fraud, the perpetrators are becoming increasingly sophisticated and innovative in their methods. In order to effectively assist our clients in retrieving hidden assets in highly complex structures, we have developed an in-depth understanding of current tactics, strategies and best practices which will facilitate successfully recovery actions. Members of our Fraud and Corporate Crime Group are invited regularly to speak at international conferences on asset tracing.

- **Substantial UK Plc:** a dispute concerning allegations of bribery of foreign officials under the Anti Terrorism (Crime and Security) Act 2001, the Corruption and Transparency International Act, Enterprise Act 2002 related OECD Anti-Corruption initiatives and subsequent settlement under the first ever Civil Recovery Order (2008).
- **Family-owned hotel group:** on a substantial civil fraud perpetrated on a UK Hotel group involving freezing orders and tracing assets both within the UK and Italy.
- **Multi-jurisdictional fraud:** by one partner in a partnership of partnership assets and the making of secret profits which included worldwide freezing orders, appointment of receivers in London and the BVI, extra-territorial third party disclosure, asset tracing and issues relating to trust assets.
- **Philips v Symes:** a high profile multi-jurisdiction fraud relating to the spiriting away of multi million pound work of art which included obtaining worldwide freezing orders, jurisdiction challenges, overseas ancillary conservative measures, third party disclosure orders in the UK, US, Liechtenstein and Gibraltar, the tracing and recovery of assets worldwide, the Proceeds of Crime Act 2002.
- **Mr Polys Haji-Ioannou & Others:** for the Claimants in these long running proceedings between Loucas Haji-Ioannou, a wealthy shipowner, and latterly his heirs against John Frangos, another ship-owner and former son-in-law, in a claim for US\$100 million and to enforce a Judgment of the Supreme Court of Greece for that US\$100 million. The case involved complex issues of conflict of laws and renvoi as well as asset tracing.
- **High net worth Estate:** tracing and recovering assets for the Estate of a victim of global fraud in a multi-jurisdictional environment.
- **Blue chip company:** acting for a blue-chip company that has been subject to fraudulent activities by an employee.
- **Significant international contractor:** acting and advising on a fraud perpetrated by a joint venture partner in a major construction and engineering project.
- **Fraud on a company and its shareholders:** unlawful removal and appointment of company officers and the unlawful appointment of shares which included freezing orders and ancillary relief.



International reach

Globalisation increasingly means that when disputes arise they involve more than one jurisdiction. We have offices in Abu Dhabi, Beijing, Bratislava, Brussels, Budapest, Düsseldorf, The Hague, Hamburg, Helsinki, Hong Kong, Frankfurt, London, Lyon, Madrid, Milan, Munich, Paris, Prague, Rome, Shanghai, Singapore, Stockholm and Warsaw. We have specialist litigators operating out of all our European offices as well as from our Singapore and Hong Kong offices. Being a truly integrated international team, we are able to provide genuine local knowledge and understanding of a variety of systems of laws and procedures. Further, our creative project management skills ensure that we are able to provide seamless cross-border advice.

- **Significant Spanish Bank:** acting in the alleged fraud of an insured and factored Hungarian trade transaction.
- **Major Kuwaiti enterprise:** acting and advising on fraud by one of its Directors involving transactions and money transfers in multi jurisdictions
- **Spanish mobile voice network operator:** acting in its dispute with an English payment services company, relating to the withholding of monies and charge backs arising as a result of the fraudulent use of pre-paid phone cards.
- **Seymour settlement:** relating to claims of fraud and sham trust regarding an Isle of Man Trust.
- **Asset management company:** in relation to a dispute with an AIMs listed Gold Mining company in the CIS regarding improper practices, bribery, connected contracts and failure by directors to act in the best interests of the company.
- **Polish chicken farm:** attempted recovery of large quantity of eggs sold and delivered by the client to an individual purporting to be Sainsbury's



Demonstrates strength in high-value disputes in its sector specialisms of IT and telecommunications, energy and financial services. Works seamlessly alongside colleagues in other departments and jurisdictions in order to provide a full-service offering to corporate clients.



Arbitration expertise in all sectors

Bird & Bird's International Arbitration Group has grown substantially over many years and is a cross-border, integrated, multi-disciplinary team with an in-depth knowledge of arbitration as a dispute resolution mechanism and a comprehensive understanding of key industry sectors. The group has a truly international feel, operating throughout all of the major financial cities in the world and because of this, the team has extensive experience of representing clients in arbitrations, including under the rules of the world's leading arbitral institutions (ICC, LCIA, AAA/ICDR, CIETAC, UNCITRAL, ICSID, WIPO) and under a variety of systems of law.

- **5 SPV companies** in \$160 million LCIA arbitration proceedings relating to investments in Qatar involving serious allegations of fraud, deceit and allegations relating to the operation of a ponzi scheme.
- **Major US corporation:** high profile arbitration concerning an insurance claim as a response to insider trading advising and acting together with a team of US lawyers.
- **Law firm:** in arbitration proceedings and Court proceedings in London, the BVI, the Bahamas, Colorado and Australia in relation to a substantial partnership dispute in the CIS with allegations of breach of fiduciary duty, breach of trust and fraud.
- **Law firm:** on an arbitration involving fraud on an overseas company by a former director. The case lead to a leading Court of Appeal decision on the confidentiality of documents in arbitration and to a significant decision on the ability of parties to appeal interim orders.
- **Development company:** in relation to a multi-million dollar claim involving serious allegations of fraud and deceit in potential LCIA arbitral proceedings.

Mediation

In recent years Bird & Bird has enabled mediation to take place in over a hundred disputes which it was handling. In nearly 70% of these cases, the mediation made it possible to reach a settlement much more quickly than if litigation proceedings had been pursued. Our know-how in this regard extends not only to our awareness of the mechanisms of mediation and the advantages it may present for our clients, but also to the ways of persuading the opposing party to agree to such recourse.

Relationship pricing

We have invested in an innovative system to forecast and monitor the legal costs of contentious and non-contentious matters. The Bird & Bird cost management system ensures:

- **Accuracy:** we work closely with you to scope work and price it accurately
- **Transparency:** we share our detailed budgeting information with you at the outset
- **Clarity:** we are clear on what is included in the budget
- **Real-time reporting:** we tailor reports to meet your needs

Our integrated approach enables us to provide clients with early advice in confidence and can lead to the avoidance of costly litigation.



Our reputation in the market

“They are not acting as outsiders, but help us as if they are the real owners of the problem and provide us with the best possible solution. They are concentrated on finding solutions rather than creating problems.”

Chambers and Partners 2014 (What clients say)

“Commercial, quick to identify the issues and get to the heart of the matter.”

Chambers and Partners 2014

Bird & Bird is an obvious choice for high-calibre commercial and banking disputes, particularly those involving elements of IP, IT, outsourcing, telecoms and life sciences.

Chambers Global 2013

“Determined but pragmatic”

Chambers and Partners 2013

Manages massive pieces of litigation seemingly effortlessly.

Chambers and Partners 2013

The dispute resolution team at this firm is praised by sources for the quality of its litigation work, and has been receiving instructions in a wide range of cross-border matters.

Chambers and Partners 2013

Bird & Bird’s renowned status as a leader in the fields of IT, IP, outsourcing, telecoms and life sciences, this dispute resolution group has developed a formidable reputation in these core areas and in a broad spectrum of high-calibre contentious commercial and banking-related matters.

Chambers Europe 2013

Bird & Bird LLP (international arbitration group) has a ‘deep bench of sector-focused practitioners’.

Legal 500 2013

Continues to impress, advising on cross-border disputes and arbitrations, and major white-collar crime and securities investigations.

Legal 500 EMEA 2012

‘Outstanding’ team ... Bird & Bird is ‘commercially minded and gives concise advice’, and is exceptionally good at ‘anticipating changes in the legal environment’.

Legal 500 EMEA 2012

Clients are full of praise for our sector based dispute resolution practice, noting that the “smart, attentive and service orientated” lawyers have “specific industry knowledge in addition to the legal skills required”.

Chambers and Partners, 2012



Getting to know us

Bird & Bird is a truly international firm, organised around our clients. We connect our passion and practical insight with our clients' vision, to achieve real commercial advantage.

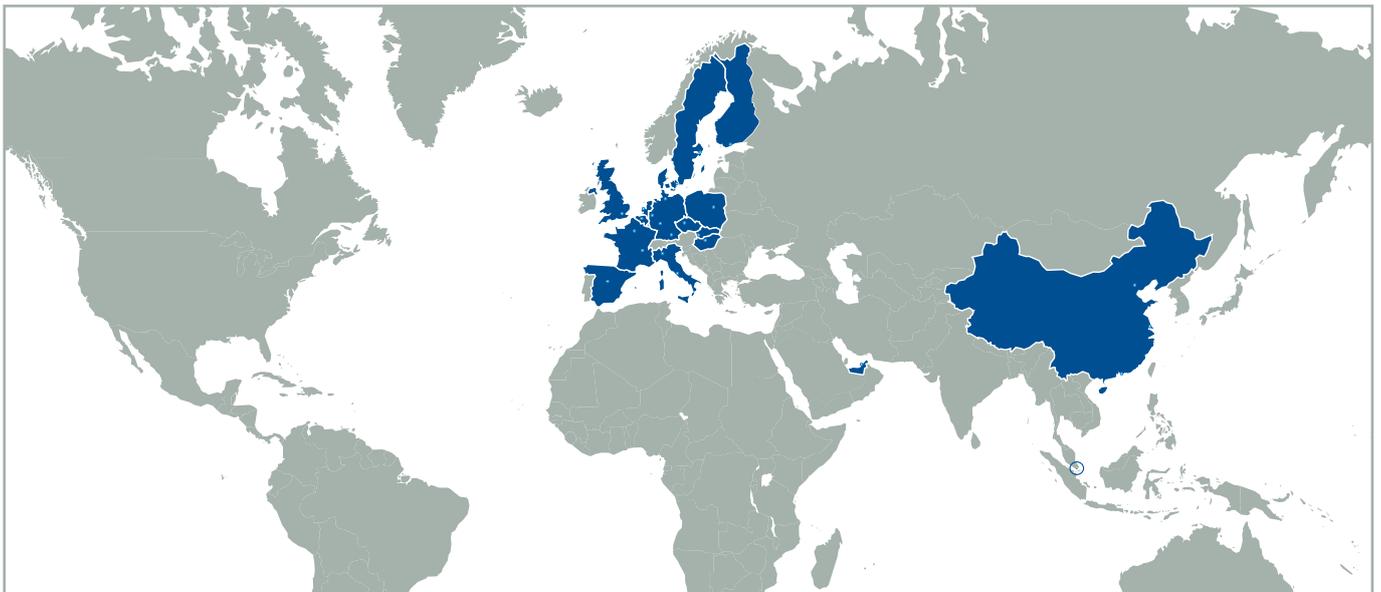
With more than 1,000 lawyers and legal practitioners in 25 offices worldwide, we specialise in combining leading expertise across a full range of legal services, including advice on commercial, corporate, EU and competition, intellectual property, dispute resolution, employment, finance and real estate matters.

Our clients build their businesses on technology and intangible assets, and operate in regulated markets. The key to our success is our sector focus. We have developed deep industry understanding of these sectors, including aviation & aerospace, communications, electronics, energy & utilities, financial services, information technology, life sciences, media and sports. Our deep industry knowledge gives us:

- Expertise in the law and regulatory framework relating to each sector
- A practical, commercial approach to navigating the sector, supported by advisors who have worked for decades in these specific industries

Most of our work is cross-border and multi-jurisdictional. We excel at managing complex projects across multiple regions with a seamless one-firm approach.

We have offices in key business centres across Europe, the Middle East and Asia, including in Abu Dhabi, Beijing, Bratislava, Brussels, Budapest, Düsseldorf, Frankfurt, The Hague, Hamburg, Helsinki, Hong Kong, London, Lyon, Madrid, Milan, Munich, Paris, Prague, Rome, Shanghai, Singapore, Stockholm and Warsaw. We also have a dedicated group focusing on India and close ties with firms in other key jurisdictions in Europe, the Middle East, Asia and the United States. We offer local expertise within an international context.



twobirds.com

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& Hong Kong & London & Lyon & Madrid & Milan & Munich & Paris & Prague & Rome & Shanghai & Singapore & Skanderborg & Stockholm &
Warsaw

Bird & Bird is an international legal practice comprising Bird & Bird LLP and its affiliated and associated businesses.
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