

## Sinead Harris

PARTNER | LONDON BRITISH VIRGIN ISLANDS

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### Sinead is a partner in the litigation and arbitration team.

She is a dual qualified and practising lawyer (England & Wales and British Virgin Islands). Sinead advises in a wide range of commercial disputes in litigation and arbitration, with a particular focus on disputes involving contentious insolvency, fraud, asset recovery and enforcement.

Sinead's work includes shareholder and joint venture disputes, creditor claims and enforcement actions, asset tracing and recovery matters - frequently involving elements of dishonesty, fraud or breaches of fiduciary duties. She also advises a range of clients including companies, officeholders, creditors, and directors in relation to all aspects of contentious insolvency and non-contentious insolvency and restructuring. Working collaboratively with colleagues, Sinead draws on the firm's expertise in a range of disciplines such as corporate law, wealth planning and employment law to develop creative strategies and solutions to resolve disputes.

She is particularly well-versed in the strategic use of tools such as freezing orders, receiverships and other officeholder appointments, disclosure orders and Norwich Pharmacal relief to maximise prospects of recovery. Sinead has also frequently acted for respondents to similar applications, successfully achieving discharges and setting aside interim orders.

Most of her cases include a cross-border element, with particular expertise in British Virgin Islands law and a broad familiarity with offshore practice. Sinead has worked for a range of both UK and overseas clients in international disputes before an array of arbitral tribunals and courts including the English High Court and Court of Appeal, the UK Supreme Court, the Commercial Court of the Virgin Islands, Eastern Caribbean Court of Appeal and the Judicial Committee of the Privy Council. She has also worked collaboratively with foreign lawyers on disputes before the Courts in a range of jurisdictions as diverse as the US, Hong Kong, Singapore, Switzerland, the Netherlands, Ireland, Russia and various offshore jurisdictions (such as the Channel Islands, the Cayman Islands, Cyprus and many others).

Prior to joining Withers in 2017, Sinead worked at an offshore firm in the British Virgin Islands. In that role, she worked on a number of high profile commercial disputes and contentious insolvency proceedings - most notably the ground-breaking Fairfield Fund liquidations in the BVI (and related Ch 15 proceedings in the US), recovering money for the benefit of victims of the Bernard Madoff Ponzi scheme.

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## Track record

### Burgess and Broadcasting Investment Group

Our clients were seeking to enforce an oral agreement, where various co-venturers agreed to transfer shares in technology companies to a single company that would act as a parent for the group. It later emerged that certain shares were never properly transferred to the putative parent company. The claim was initially struck out on the basis that it was barred, because it was purely reflective of a loss suffered by the company in which it is a shareholder. We successfully overturned the decision on appeal - a decision that will have wide-ranging consequences for investors seeking relief in circumstances where their own losses may overlap with those of the companies in which they have invested.

### Defending PR firm, Metigen, and their client in breach of confidence claim with Credit Suisse

We acted for Metigen, a PR firm which created a campaign group to expose allegations of misconduct by Credit Suisse on behalf of its victims (including Bidzina Ivanishvili, the former PM of Georgia). We successfully obtained a release from an injunction Credit Suisse had obtained to restrain Metigen from publicising the findings of a report prepared by Swiss regulators (FINMA) following an investigation into a fraud committed by a former employee of Credit Suisse.

### Multi-billion dollar liquidation

Acted for the joint liquidators of Fairfield Sentry Limited in relation to a multi-billion dollar ground-breaking liquidation, assisting the liquidators across a range of actions and disputes in major and substantial recoveries for the benefit of victims of the Madoff fraud.

### Hong Kong Bankruptcy Trustees

Acted as the lead lawyer and advocate for Hong Kong Bankruptcy Trustees in achieving landmark first-of-its-kind recognition of a foreign insolvency proceeding in the British Virgin Islands.

### Commercial and shareholder disputes

Acting for claimants and defendants in a range of commercial and shareholder disputes including a significant multi-jurisdictional unfair prejudice petition involving competing allegations of fraud.

## Interlocutory relief

Advising and acting in relation to interlocutory relief in a range of scenarios including acting for applicants and respondents for freezing orders, various disclosure orders (including in relation to third parties) and anti-suit injunctions.

## Breach of contract

Acted for the defendants in a US\$2 billion claim for inducement of breach of contract in relation to a mining project in the Democratic Republic of Congo.

## Telecommunications regulator

Acting for a telecommunications regulator in relation to several judicial review challenges of decisions in relation to competition regulation and spectrum allocation.

## Energy Charter Treaty

Advising an investor in relation to a claim against a State under the Energy Charter Treaty

## Bilateral Investment Treaty

Advising an investor in relation to enforcement of an arbitral award made under a Bilateral Investment Treaty

## Law of the sea

Advising a state in relation to issues pertaining to freedom of navigation and the law of the sea

## Contentious administration

In the Matter of Fortuna Fix Limited (in administration) - acting for a majority shareholder and creditor in a joint venture company established to develop a treatment for Parkinson's Disease and spinal chord injury. The matter involved a contentious administration, against the background of entrenched shareholder disputes, which we persuaded the Court to terminate, allowing our creditor client to assert contractual rights which had been stayed by the administration.

## BVI hedge funds

Anchor Hedge Fund & others v Reed Smith LLP - Acting for the liquidators of three BVI hedge funds in pursuing and ultimately settling a claim against the funds' former UK solicitors, Reed Smith, for restoration of trust moneys wrongly paid away.

## Racing Point Formula One Team

Advising Racing Point on the acquisition of the Force India Formula One Team's business from administration, working collaboratively with Withers' business team on a transaction which involved extensive consideration of insolvency issues and historic contentious issues concerning the team and its previous owners.

## Enforcement of Russian judgement

Advising a well-known Russian business woman on the enforcement of a Russian judgment in the BVI, obtaining interim freezing and receivership orders following dissipation of assets by the judgment creditor and ultimately securing a recovery of valuable business assets held via complex nominee and trust arrangements involving BVI companies.

## Reflective loss principle

Acting for successful investors in connection with an dispute concerning their investment in a group of technology companies, in which their shares were forfeited and the group holding company placed into liquidation. The case involves complex legal issues concerning reflective loss principle (which can, in some circumstances, prevent shareholders from suing in respect of a loss suffered by the company) which are due to be considered shortly in the English Court of Appeal.

## Shareholder dispute

Acting for the Petitioners in a complex shareholder dispute involving shares held by multiple complex trusts. The case involved unfair prejudice and dishonesty allegations concerning several related companies in the UK and Hong Kong.

## Shipping joint venture dispute

Acting in a series of confidential multi-jurisdictional arbitration references concerning a shipping joint venture dispute.

## Foreign professional trustees

Advising foreign professional trustees in connection with a dispute concerning a UK-based property development joint venture which comprised part of business assets under their management.

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## Admissions

England and Wales, 2010

British Virgin Islands, 2010

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## Education

## Languages

English

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## Memberships

Recovery and Insolvency Specialists Association (BVI) Limited

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## Key dates

Year joined: 2017

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