

Commercial Litigation



Telephone: +44 (0)20 8445 3331



Who we are

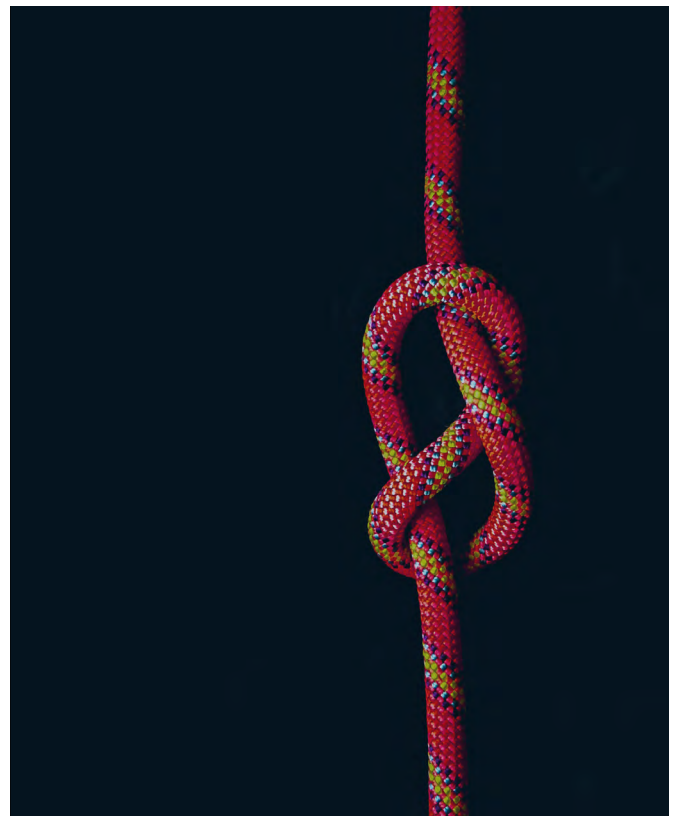
Carlsons Solicitors are a boutique law practice, with offices in north London and in the City of London.

We have a wealth of experience acting for sole traders, partnerships, companies and institutions across commercial disputes in general and contentious banking, joint venture, shareholder and professional negligence disputes, in particular, whether by way of litigation through the court system or by alternative means of dispute resolution.

We advise on all areas of commercial litigation, including:

- **Breach of contract**
- **Breach of Directors' duties (Fiduciary duty claims)**
- **Commercial contract disputes**
- **Contentious Banking disputes**
- **Insolvency and bankruptcy proceedings**
- **Partnership disputes**
- **Professional negligence**
- **Shareholder disputes**

We advise pragmatically and act robustly. Our job is to protect both your personal and business interests, helping you achieve the best possible outcome and secure your future commercial objectives.



North London

Whetstone House
1/3 Oakleigh Road North
Whetstone
London
N20 9HE

Central London

330 High Holborn
London
WC2A 1HL
(by specific appointment only)

What do we do?

Commercial Disputes

Commercial disputes are, unfortunately, a way of modern life. They are often unpleasant, always time-consuming and can be highly damaging. It is in everyone's interests to resolve them as quickly as possible.

Litigation can be an expensive avenue to go down and in some instances may not be the most economical, or indeed sensible, option. We have extensive experience advising our clients in court proceedings as well as alternative dispute resolution methods such as arbitration and mediation.

We advise each and every client on the options available to them in their particular situation. We take a commercial and pragmatic approach to ensure matters are dealt with swiftly and it is business as usual once more.

We look to collaborate with our clients in the long term. This allows us to truly understand their business needs, manage their risk to avoid litigation where possible and offer strategic advice at all times.

You need to be confident when entering into any form of dispute, that you have an experienced team in your corner. Our objective is to immerse ourselves in the dispute in order to secure for our clients the best possible outcome. Whether that be in or out of court.

"The commercial litigation team provided an impressive level of support, knowledge and skill. I have found you to be conscientious and am delighted with your ability to work through some particularly complex situations with clarity and legal acumen while keeping me fully updated throughout the process."

CEO of international
telecommunications company

Banking Disputes

Our profound knowledge of the industry and in most cases, our absence of conflict, means we are extremely well-positioned to act for clients in contentious banking disputes.

We act for UK and international retail and investment banks, leading financial institutions and lending institutions in all types of contentious matters.

Our team's experience in banking disputes includes fraud, mortgagee repossessions, insolvency, claims under guarantees, asset recovery, injunctive relief and more specialised banking work. For example, claims for payment pursuant to the terms of a letter of credit and breaches of mandate.



Joint Venture and Shareholder Disputes

With the increase in globalisation, businesses are looking further afield when it comes to potential expansion opportunities. A Joint Venture is one such way in which they can enjoy the benefits of international expansion while minimising their risk.

As most commercial parties are painfully aware, disputes can arise at almost any stage of the joint venture period and it is a reality that needs to be factored into any formal agreements from the start. Seeking tailored legal advice at this early stage of drafting the joint venture agreement (JVA) is key to minimising the disruption of any potential fallout.

With joint ventures often taking place across borders it can be a challenge for parties to agree on a governing jurisdiction.

International commercial arbitration provides an effective alternative to resolving joint venture and shareholder disputes. Arbitration is often seen as a neutral forum that offers a binding resolution, with the arbitrator being an independent third-party, whose role is to resolve matters swiftly and fairly.

We act for clients at all stages of joint venture and shareholder disputes, from the drafting of specific

clauses in the JVA, such as setting out the guidelines for arbitration, through to developing and implementing a robust dispute resolution strategy developed to meet the client's desired outcome.

In particular we act for clients on:

- disputes over corporate governance;
- disputes over failures of cooperation;
- disputes arising from alleged failure to commit sufficient resources to the JV;
- allegations of fraud and dishonesty;
- misappropriation of proprietary information; and
- where the project succeeds, the sharing of profits.

Professional Negligence Disputes

With the increasing complexity businesses face it is only natural that they turn to professional advisors to guide them and represent their interests. However, this may not always go as planned.

When instructing a professional advisor, you expect the highest level of expertise and professional standards. When the professional advice received falls short of the standard needed and expected, causing loss or damage, they must be held to account.

We have many years of experience conducting complex and high-value claims against professional advisors whose work has fallen below reasonable professional standards or who have failed to perform their duties properly.

Our experienced and responsive team of solicitors and barristers offer a service that's efficient, professional and affordable and can advise you on making professional negligence claims against:

- Accountants
- Financial advisors
- Tax advisors
- Insurance brokers
- Surveyors
- Architects
- Engineers
- Solicitors
- Barristers



Disputes our team have worked on

Erdenet v The Government of Kazakhstan

Breach of contract, acknowledgement of debt and the jurisdictional gateway under CPR 6.37. Value of the claim: approximately US\$20m.

Holyoake & Anor v Candy & Ors

A high profile and hard fought £137m dispute concerning the circumstances surrounding repayment of a loan between high net worth individuals.

Winnetka Trading Corporation v Julius Baer International Limited and another

A negligence case also involving satellite, jurisdictional issues between a Claimant and a large Swiss bank and was fought successfully in the Court of Appeal in Guernsey. Value of the claim: approximately US\$10m.

Acting as co-counsel

Acted as co-counsel, responding to an appeal under s69 and a challenge under s68 of the Arbitration Act 1996 ("AA"), involving the extent of s57 of the AA and an issue whether further evidence was permissible under the summary procedure in the Commercial Court Guide. Value of the claim: US\$8m

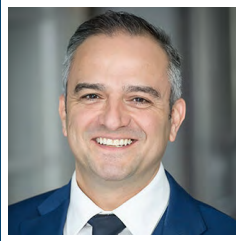
Advised on merits of case

Advised on the merits in Banco Central de Venezuela - v - the Bank of England. Value of the claim: approximately US\$1bn

SIAC Arbitration

A SIAC Arbitration involving international companies - Value of the claim: approximately US\$1.4bn

The team

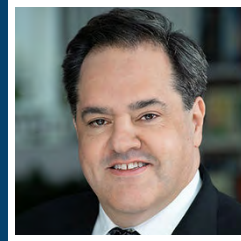


Richard Higham

Director

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An experienced dispute resolution solicitor, working on litigation cases that include high-value claims.



Daniel Russell

Managing Director

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A highly experienced solicitor and managing director.



Mark Evans KC

Consultant Barrister

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Leading Counsel and former Judge.



Lawrence Jacobson

Consultant Barrister

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Recognised for his performance, Lawrence acts for clients across a broad range of commercial disputes.



Paul Dipré

Consultant Barrister

C/o: richard.higham@carlsonssolicitors.com

An experienced advocate specialising in general commercial and property disputes and matrimonial finance.



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