



Graeme Halkerston

Call: 1994

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Clerks' Details

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Qualifications and Appointments

- Cayman Islands, full admission (2007-2012), limited admissions (2014 to date)
- British Virgin Islands, admission to BVI bar (2015 to date)
- MA (Jurisprudence), Oxford University; Martin Wronker Prize Winner (Tort); President Oxford Union
- LLM, University of Pennsylvania, Thouron Scholar
- Awarded Queen Mother's Scholarship by Middle Temple and Bar Council Stage Scholarship (DG Internal Market)

"A great tactician, and someone who you would rather have in your tent than in the other side's."

The Legal 500 2022

Practice Overview

Graeme practices across a wide range of chancery commercial work and is consistently recommended in the leading directories for Chancery Commercial, Professional Liability, Offshore and Company Law. He is noted for ability to work with clients and as part of a litigation team with instructing solicitors, calling on his experience as a former partner in a leading offshore law firm.

This is what the directories recently have said about how he works:

- *"He is very impressive on his feet and good at reading the court and pushing difficult points as far as they can go."* Chambers & Partners
- *"Very user-friendly, detail-oriented and knows Cayman procedure very well indeed."* Chambers & Partners
- *"He knows his stuff as a technical lawyer extremely well."* Chambers & Partners
- *"Noted for his intellect and responsiveness."* The Legal 500
- *"Has an amazing capacity for detail and his advice is always spot-on, both legally and commercially. In court he is both authoritative and appealing."* Chambers & Partners
- *"He does a fantastic job. Very organised and completely driven; I don't know when the guy sleeps"* Chambers & Partners
- *"He is the complete package as he's very imaginative and highly focused"* Chambers & Partners
- *"He is a very good and tenacious advocate"* Chambers & Partners
- *"A great operator and team player, who is extremely knowledgeable"* The Legal 500
- *"He gives realistic advice, manages expectations and is very approachable"* Chambers & Partners
- *"He has a real passion for the job that comes through, and he is a brilliant strategist"* Chambers & Partners
- *"An outstandingly good litigation lawyer"* The Legal 500
- *"His brilliantly quick mind cuts through the noise to get to the heart of the issues quickly"* Chambers & Partners



Publications

- "Freeze, Seize and Squeeze – Global Asset-Tracing Case Study" (2017), Speaker ACFE UK Annual conference.
- "How to Find Money and Make Sure It Stays Put", (2017) Speaker, offshore asset tracing panel, American Bankruptcy Institute, Caribbean Insolvency Symposium, Cayman Islands
- "Worldwide Freezing Orders in aid of foreign proceedings after *Meridian v Batista*" (2017), Speaker, Wilberforce Cayman Conference
- "Enforcement of foreign non-money judgments at common law in offshore jurisdictions: back to basics" (2015), *Trusts and Trustees* 21(9), 969-980
- "Onshore derivative litigation and offshore companies: ARC Capital; a temporary blip?", (2015) *International Corporate Rescue*, 12(1), 48-53
- "Fairfield Sentry: beware – certificates left, right and centre" (2014), *Corporate Rescue and Insolvency*, 7(4), 131-134.
- "English disclosure processes and foreign blocking statutes" (2014) *Trusts & Trustees* 20(9): 943-957
- "Offshore confidentiality statutes and onshore litigation" (2014) STEP Cayman
- "Breach of Warranty of Authority: A Living Fossil" (2012) Wilberforce Professional Liability Seminar
- "*Rubin v Eurofinance*" (2012) Wilberforce News Alert
- "Fairfield Sentry and hedge fund clawback claims: the beginning of the end or the end of the beginning?" (2012) *Corporate Rescue and Insolvency*
- Speaker, Florida State Bar International and Arbitration Conference, Miami, "Hot Topics In International Litigation" (2012)
- Speaker, American Bankruptcy Institute, International Insolvency Symposium, Dublin, "Developments In Offshore Jurisdictions" (2011)

Banking & Finance

Graeme has acted in many high-profile banking and financial services matters. Many of his cases involve investment disputes, and in particular joint venture, hedge fund and private equity litigation. Offshore vehicles, offshore litigation and onshore cases involving offshore legal issues are his bread and butter, and he regularly acts in cases in the Cayman Islands and the BVI or as an expert on matters of offshore law in onshore cases. A significant proportion of his matters concern parallel litigation in the United States.

Some of his recent directory entries include:

- "*Frequently instructed in high-value, high-stakes cases concerning financial and insolvency issues.*" Chambers & Partners
- "*Lauded as a dynamic and seasoned advocate and sources were unanimous in praising his commercial litigation practice.*" Chambers & Partners
- "*He maintains a diverse and dynamic commercial litigation practice, and has strengths in banking and financial disputes and cross-border fraud.*" Chambers & Partners
- "*He is invaluable in complex cases.*" The Legal 500
- "*Particularly commend for his expertise in finance-related professional negligence matters.*" The Legal 500

Representative work includes:

- Acting for administrators of Lehman Brothers on post-collapse claims against counterparties including claims in England and the Cayman Islands.



Banking & Finance continued

- Representing bond investors in the OGX Brazilian oil conglomerate which collapsed with \$60bn losses in fraud claims against former management, including co-ordinating worldwide freezing orders and disclosure orders in several jurisdictions.
- Advising on numerous derivative mis-selling claims, for claimants, defendants and in regulatory matters. Examples are: claims by business owners against banks for interest swap mis-selling; acting for leading football club in claims concerning currency derivative contracts; and acting for FRC in proceedings against directors and auditors connected with derivative losses incurred by Manchester Building Society.
- Advised administrators of the Angel Group on an application for their removal and responses to allegations by owners and management of misconduct by their appointing bank and advisers to that bank.
- Advised directors of insolvent company on claims against the company's bank in calling in loans immediately after re-financing was agreed on terms which extended the personal liabilities of the directors and the effects of the company being placed in the bank's restructuring group.
- Representing investors in Cayman Islands and BVI companies in numerous share valuation disputes.
- Engaged by FRC in investigations and proceedings following the sale of the Autonomy business to HP and the subsequent \$8bn loss realised on the transaction.
- Acting in litigation concerning life settlement fund litigation, including:
- Advising liquidators of a failed life settlement fund on the application of the realisation of assets and claims on behalf of the fund; and
- Advising investor groups in a life settlement fund that suffered significant capital losses as a result of asset revaluation.
- Acting as expert on issues of offshore law in the English High Court and US jurisdictions as to the duties of fund directors in claims brought by creditors and/or investors.
- Representing England-based director in a collapsed property investment company involved in investor litigation in the United States, BVI and England.
- Advising Russian high net worth individual on effect of freezing orders, disclosure orders, third-party orders and parallel relief in offshore jurisdictions following claims in High Court for damages in excess \$200m arising out of a corporate finance transaction.