



## 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



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## 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)

## Insolvency

Graeme's work encompasses both domestic and international insolvency. He is often instructed when financial services companies have collapsed and on the ensuing professional liability claims on behalf of insolvent estates. He has extensive experience of offshore insolvency issues and appears regularly in offshore courts.

***"He has an encyclopaedic knowledge of all things to do with insolvency and company law."*** Chambers & Partners

***"Steeped in offshore experience, especially in insolvency-related matters. He is invaluable in complex insolvency cases because he can provide a reasoned local perspective."*** Chambers & Partners

***"Frequently instructed in high-value, high-stakes cases concerning financial and insolvency issues."*** Chambers & Partners

***"Particularly commended for his expertise in finance-related professional negligence matters."*** The Legal 500

**These are examples of his recent insolvency work:**

- Advised administrators of the Angel Group of companies on an application for their removal and responses to allegations of misconduct by their appointing bank and advisers to that bank.
- Acting for administrators of Lehman Brothers on post-collapse claims against counter parties including claims in England and the Cayman Islands.



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## Insolvency continued

- 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.
- Successfully applied for removal of receivers appointed on an ex parte basis over a company jointly owned and managed by husband and wife following the wife's application to appoint those receivers in the course of parallel divorce proceedings.
- Representing England-based director in a collapsed property investment company involved in investor litigation in England, the United States and the BVI.
- Intervening in offshore insolvency to overturn permission to bring New York proceedings against a major international bank.
- Successfully obtained stay of Cayman insolvency proceedings to determine professional adviser claims in favour of arbitration as included in advisory agreements. Stay was confirmed by the Court of Appeal.
- Advised on the application of assets and liabilities of an insolvent segregated portfolio investment company and obtained Court approval of a merger of any claims against former management and advisers to permit those claims to proceed in the United States.
- Acting for liquidators of insolvent hedge fund in respect of hostile liquidation proceedings following disputes between investors and fund manager following suspension of redemption and reorganisations with background of ongoing US Department of Justice investigations.