



Terence Mowschenson QC

Call: 1977

QC: 1995

tmowschenson@wilberforce.co.uk

“One of the wisest heads at the Commercial Chancery Bar, he has decades of experience which he applies in a practical and approachable manner. There is nothing he has not seen.”

Chambers & Partners 2022

Memberships

- Barristers' Benevolent Association (Chairman)
- Chancery Bar Association
- Commercial Bar Association
- International Bar Association
- International Chamber of Commerce
- London Court of International Arbitration
- Fellow of the Chartered Institute of Arbitrators
- Fellow of the Australian Centre for International Arbitration

Practice Overview

Terence is ranked as a leading silk in the directories for chancery commercial, commercial dispute resolution, banking and finance, financial services, insolvency, company and offshore.

The 2022 edition of Chambers & Partners hails him as *"One of the wisest heads at the Commercial Chancery Bar, he has decades of experience which he applies in a practical and approachable manner. There is nothing he has not seen."* He is *"a hugely experienced practitioner with lengthy offshore experience who is highly popular."* Terence *"has a phenomenal knowledge of company law technicality and how things get done."* *"He does high-quality work in the Cayman Islands."*

In the 2022 edition of The Legal 500, Terence is described as *"a remarkable lawyer. He has an incredible eye for detail but never misses the wood for the trees."* *"Terry's judgement in complex commercial matters, particularly those concerning directors duties and shareholder disputes, is second to none."* He is *"a remarkable, experienced and knowledgeable lawyer."* *"Terry has encyclopedic knowledge of trusts and company law and commercial injunctions."*

Much of his work is international in nature and he has a well-deserved reputation for his international expertise, acting and advising in the UK and in many offshore jurisdictions and arbitral tribunals. In particular, he has extensive experience advising on the laws of and/or appearing in the BVI, Bahamas, Bermuda, BVI, Cayman Islands, Gibraltar, and the Isle of Man. His pre-eminence in multi-jurisdictional disputes involves him in strategy, interim remedies such as freezing injunctions, conflicts of law, and asset tracing and recovery.

He has renowned experience in areas relating to:

- Banking and finance
- Company law (including shareholders agreements and disputes, stock exchange trading and broking)
- Commercial disputes

Clerks' Details

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Qualifications and Appointments

- LLb (Hons) BCL (Hons) FCI Arb
- Deputy high court judge (Chancery and Administrative Court)
- Part-time judge of the Financial Conduct Authority Tribunal
- Part-time Judge of the Pension Regulator Tribunal
- Qualified mediator - 2002
- Fellow of the Chartered Institute of Arbitrators
- Fellow of the Australian Centre for International Commercial Arbitration
- Fellow of the International Academy of Trial Lawyers



Practice Overview continued

- Financing arrangements structured investment products
- Hedge funds
- Cross-border insolvency
- Fraud, asset tracing and recovery
- Insurance/reinsurance disputes
- Partnership and joint ventures
- Professional liability
- Trust disputes

Banking and Finance

Banking and finance disputes form a significant part of Terence's commercial practice and he is ranked as a leading silk in this practice area in The Legal 500. The 2019 edition of The Legal 500 notes that "**he has many strengths including care and attention to detail and speed of response**". Previous editions of Chambers & Partners also recognises Terence's expertise in its UK and Global guides, saying that he has "**fantastic judgement**", is "**absolutely brilliant in court**", and is "**a lawyer who exudes extraordinary authority**". The publication also goes on to say he is "**a popular and much-admired chancery silk, who has undertaken a range of banking, finance, company and insolvency cases worldwide**".

Matters include:

- (1) *Irene Michailidis* (2) *Jonathan Guy Phillips v Credit Agricole Indosuez*:
Acted for Credit Agricole in the High Court, Court of Appeal and Privy Council in relation to whether Credit Agricole had constructive knowledge that monies credited to an account with the bank were the proceeds of a stolen art collection.
- *Picard v Banque J Safra (Suisse) SA and Banque Safra (Gibraltar)*:
High-profile long-running banking litigation. Acted for and advised Bank Safra in relation to complex financial mis-selling banking and insolvency issues arising out of the collapse of Bernard L Madoff Investment Securities LLC.
- Acted for a major shareholder in a long-running arbitration concerning ultimate control and ownership of a substantial bank in the Ukraine.
- Retained by a well-known bank in relation to claims made against it for acting in breach of its fiduciary duties.
- Acted in the Cayman Islands for a group of banks led by ABN Amro against JC Flowers to recover \$800 million in complex debt structures. Successfully avoiding an attempt to push the company into chapter 11, and ultimately led to a winding up in Cayman.
- *Crimpfil v Barclays*: acted against Barclays in an action over substantial losses incurred through the wrongful withdrawal of an overdraft facility.
- Advised in relation to the liability of various banks in respect of the conduct of banking facilities to an insolvent law firm.
- Acted on a complex high-value financial mis-selling of swap contracts (case settled).
- Frequently advises banks and borrowers on the interpretation of banking facilities and security.
- Acted for the liquidator of Lehman Brothers on the application to repay £19 Billion to various creditors in the absence of documentation showing which creditor was entitled to it.