



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

+44 (0)20 7306 0102

practicemanagers@wilberforce.co.uk

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

Commercial

Terence has extensive experience in business and commercial matters and a substantial part of his practice involves giving advice in relation to commercial, company and banking matters under English law and that of a number of jurisdictions including the BVI, Bahamas, Bermuda, BVI, Cayman Islands, Gibraltar, and the Isle of Man.

Matters include:

- Lehman Bros International Europe Ltd where he acted for the liquidator in relation to obtaining the court sanction to distribute US \$19bn of assets.
- Acting for ABC Company in *ABC Company (SPV) v J & Co* involving an application by an investor in a split portfolio company which had suspended redemptions of a minority of its portfolios to wind up the company.
- Singer and Friedlander Investment (IOM) Limited where acted for the liquidator in seeking directions as to the application of client money held by the bank in breach of client money rules.
- *Madoff Securities International Ltd v Raven* and others where he acted for Mrs Kohn in successfully challenging the jurisdiction of the Commercial Court to hear a claim by the New York Madoff entity for the recovery of US \$60m in commissions paid to Mrs Kohn.
- *DE Shaw Oculus Portfolios LLC v Orient* – Express Hotels Limited where he appeared in the High Court in Bermuda on behalf of Orient Express Hotels Limited and successfully argued that it was lawful under the laws of Bermuda for a publicly-quoted company to be controlled by its own wholly owned subsidiary.
- *R v V* [2008] All ER (d) 111 successfully appearing for the successful party in the Commercial Court in the arbitration in a matter raising issues as to the enforceability of an award on public interest grounds.
- Appeared for a consortium of banks in *HSH Cayman v ABN Amro* in the Court of Appeal and High Court in the Cayman Island seeking to recover US \$600m.
- He appeared twice for Herald Fund SPC in relation to contested winding up petitions presented by the Madoff trustee in bankruptcy presented in the Cayman Islands.
- Acting on behalf of Caprikat in *Tullow Oil v Caprikat Ltd* before the commercial court in the BVI and successfully defending its rights to hydrocarbons in the BVI.
- Acting as an expert witness on Bermuda company law on behalf of Sea Containers in arbitration between *GE Capital Containers v Sea Containers* where his evidence was accepted.
- Acting for Calyon (the former Credit Agricole) in *Michailidis v Calyon* which has been heard twice in the Gibraltar Court of Appeal, once in the Privy Council, on an issue as to the effect of a foreign judgment and is due to be heard in the Privy Council in the latter half of 2014 on the issue as to when a bank has notice of a third-party claim to monies deposited with it and the relationship of anti-money laundering regulations and notice of third party claims.



Commercial continued

- Acting for Wardour in *Wadour v Nekrich* in the Supreme Court in Gibraltar. Wardour (a subsidiary of Rosneft) is claiming the proceeds of sale of consignments of oil allegedly diverted by Nekrich and Sagredos.
- Acted in *Derby v Weldon* (for the 3rd to 11th Defendants) a matter which involved 115 interlocutory applications before settling three months into the trial.