

## Charlotte Tan

YEAR OF CALL: 2008

*"Incredibly hardworking and she is clearly exceptionally clever"*

The Legal 500 2020

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## Practice Overview

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Charlotte has a diverse commercial practice, with a particular focus on civil fraud, international arbitration, international trade and finance, and private international law.

She is regularly instructed in the High Court and the Court of Appeal in high profile/high value litigation (recent cases include *SKAT v Solo Capital Partners & ors*, *Deutsche Bank AG v Sebastian Holdings Inc & Alexander Vik* and *Tchenguiz v Grant Thornton & ors*). Charlotte also acts in international arbitrations including under the LCIA Rules, ICC Rules and UNCITRAL Rules, as well as ad hoc arbitrations. She has substantial experience of applications for interim relief, in particular freezing orders and antisuit injunctions and she regularly accepts instructions from overseas clients, in particular from Singapore and Hong Kong.

In 2014, she was selected in Legal Week's "Stars at the Bar" as one of ten "up-and-coming commercial and Chancery barristers recognised for their exceptional abilities". Charlotte was described as a junior who is "unflappable and always manages to maintain a calm, clear head and a sense of perspective", "highly sought after" and a "real star". She has been ranked in the legal directories for several years as a leading junior in Commercial Dispute Resolution and Shipping/Commodities, with recent client comments including:

- "She has an encyclopaedic knowledge of contempt of court issues, and is charming to work with" (Chambers & Partners 2020)
- "Very client-friendly, hard-working and intelligent, as well as someone who is not afraid to question a leader" (Chambers & Partners 2020)
- "Incredibly hardworking and she is clearly exceptionally clever" (Legal 500 2020)
- "Very bright with great attention-to-detail" (Legal 500 2020)
- "Popular, clever and personable" (Chambers & Partners 2019)

- “She is outstanding. She’s user-friendly and she works as part of a team” (Chambers & Partners 2018)
- “A highly regarded junior who is trusted by top silks to handle big-ticket matters. She has experience of acting in huge fraud, insurance and shipping cases, and is viewed as someone who punches well above her level of call” (Chambers & Partners 2017)
- “She produces high-quality paperwork that is seriously well reasoned and beautifully put together... She is the best junior that I have worked with due to the quality of her advice, her commercial approach and her responsiveness” (Chambers & Partners 2017)
- “An ‘extremely bright and charming’ junior... She is a really effective and hard-working junior. ‘Getting involved’ is an understatement, I felt she had become part of our team” (Chambers & Partners 2017)
- “I have seen her at a hearing outmatch an opposing QC with ease and elegance. She is proactive and often comes up with smart ideas for arguing a case which are not immediately obvious but which stand up on analysis” (Chambers & Partners 2017).

## Notable cases

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- *SKAT (the Danish Customs and Tax Administration) v Solo Capital Partners LLP and ors*: acting for six defendants accused of fraud in a c.£1.5bn claim arising out of allegedly fraudulent trading involving Danish withholding taxes.
- *Deutsche Bank AG v Sebastian Holdings Inc and Alexander Vik*: acting for Mr Vik (in a counsel team led by Duncan Matthews QC) across the litigation including in relation to committal proceedings against Mr Vik (raising questions as to the jurisdiction of the English courts to commit overseas former officers: [2017] 1 W.L.R. 1842 and [2017] 1 W.L.R. 3056 (Teare J); [2019] 1 W.L.R. 1737 (CA)), non-party costs proceedings arising out of a very substantial non-party costs order made against Mr Vik ([2017] 6 Costs L.R. 1003 (HHJ Waksman)) and an application to the European Court of Human Rights (claiming a violation of Article 6 rights).
- *Halliburton v Chubb*: acted for the Chartered Institute of Arbitrators in an application to intervene in a Supreme Court appeal relating to the removal of an arbitrator for absence of impartiality.
- *ICC Arbitration (2019)*: acting for a bank in an ICC dispute with beneficiaries under USD55m demand bonds issued in relation to a major construction project in the Middle East.
- *OCBC v Global TradingLinks*: acted for the defendant (led by Ali Malek QC) in a claim brought by a bank alleging that a beneficiary under letters of credit fraudulently induced the bank into issuing the LCs and presented fraudulent documents to procure payment.
- *Vincent Tchenguiz v Grant Thornton and ors*: acted (in a counsel team led by Christopher Hancock QC) in a conspiracy/malicious prosecution claim seeking in excess of USD2 billion against Grant Thornton and others for allegedly instigating and manipulating an unjustified major Serious Fraud Office investigation. Charlotte acted for Mr Tchenguiz across the litigation, in particular, in relation to strike out proceedings ([2016] EWHC 3727 (Comm)) and appeal proceedings concerning the application of the EU insolvency regulation ([2018] Q.B. 695 (CA)).

- *Enforcement claim (2017)*: acted (led by Laurence Rabinowitz QC, Charles Kimmins QC) for the defendant in Commercial Court proceedings resisting the enforcement of a USD1.2 billion LCIA
- *Asia Islamic Trade Finance Fund Ltd v Drum Risk Management Ltd & Ors*, a substantial action in the High Court, concerning claims arising out of the misappropriation of significant quantities of coal from storage facilities in Turkey, held as a finance fund's collateral for sums advanced under a Sharia compliant Murabaha Financing Agreement. The case raises issues regarding pledge interests, claims under collateral management agreements, bailment, conspiracy and other torts and has involved applications for committal for contempt of court by reason of the Defendants' failure to provide disclosure of assets pursuant to a freezing order ([2015] EWHC 3590 (Comm) and [2015] EWHC 3748 (Comm)).
- The *BTA Bank v Abyazov* litigation, a multi-billion dollar set of claims brought by a Kazakh bank against its former owner and chairman. Charlotte was instructed by Mr Abyazov and she assisted across the litigation including on issues of contempt that were heard in the CA. In particular, Charlotte appeared with Duncan Matthews QC in the High Court and the Court of Appeal on the aspect of the case regarding whether and in what circumstances a freezing injunction respondent is entitled to borrow money within the regime of the freezing order ([2014] 1 W.L.R. 1414).
- *The London Steam Ship Owners Mutual Insurance Association Ltd v The Kingdom of Spain* ("the M/T PRESTIGE") [2014] 1 All E.R. (Comm) 300; [2014] 1 Lloyd's Rep. 137 and *The London Steam Ship Owners Mutual Insurance Association Ltd v The Kingdom of Spain and the French State* [2013] 2 C.L.C. 562 (High Court) and [2015] 2 Lloyd's Rep. 33 (Court of Appeal): acting (led by Christopher Hancock QC) against the Kingdom of Spain and the French State in relation to oil pollution claims arising from one of the worst spills in recent years (total quantum claimed up to €4.5 billion).
- Acted for a major trading house in relation to a c.USD110 million dispute with its joint venture partner (involving serious allegations of fraudulent misrepresentation/material non-disclosure prior to the formation of the JV and selling goods to related companies at an undervalue (in breach of tax legislation and international standards governing transfer pricing)).
- Applications under ss. 66, 67 and 69 Arbitration Act 1996, including *The Yangtze Xing Hua* [2017] 1 Lloyd's Rep. 212 (Teare J); [2017] EWCA Civ 2107 (CA); *Griffon Shipping LLC v Firodi Limited* [2013] 2 All E.R. (Comm) 246 (Teare J; instructed as sole counsel); [2014] 1 Lloyd's Rep. 471 (CA); *PEC Limited v Asia Golden Rice Co Ltd* [2013] 1 Lloyds Rep. 82; [2014] EWHC 1583 (Comm); *Taokas Navigation SA v Komrowski Bulk Shipping KG (GmbH & Co) & Ors (The Paiwan Wisdom)* [2012] 2 Lloyd's Rep. 416 (instructed as sole counsel); *Soufflet Negoce v Bunge SA* [2011] 1 Lloyd's Rep. 531 (CA).
- Applications for freezing injunctions and anti-suit injunctions, including *Parbulk II A/S v PT Humpuss Intermoda Transportasi TBK (The Mahakam)* [2012] 2 All E.R. (Comm) 513 and *Pan Ocean Co Ltd v China-Base Group Co Ltd (formerly China-Base Ningbo Foreign Trade Co Ltd)* [2019] 2 Lloyd's Rep. 335.

## Lectures and talks

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- Commercial Arbitration against State Entities: COMBAR lecture (with Dame Elizabeth Gloster DBE, Alex Gunning QC and Christopher Harris QC)
- Fraud overseas: committal and receivership orders out of the jurisdiction Section 68 challenges: risks and returns (with Thomas Raphael QC)
- Opportunities and limitations in obtaining interim relief against third parties in commercial fraud litigation (with Charles Kimmins QC)
- Current thinking on piercing the corporate veil and obtaining relief against non-parties (with Duncan Matthews QC)

## Education

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University of Cambridge, St John's College, MA in Law (Double First)

### Major awards / prizes / scholarships

- Queen Mother Scholarship from Middle Temple
- Munsteven Scholarship (2006 and 2007) St John's College, Cambridge
- The Abdullah Yusuf Ali Prize (2006) St John's College, Cambridge
- The A.J. Iacovides Prize for International Law (2006) St John's College, Cambridge
- The Phineas Quass Prize (2006), St John's College, Cambridge
- The Hughes Prize (2007) St John's College, Cambridge
- The Winfield Prize (2007) St John's College, Cambridge

### Professional memberships

- COMBAR Executive Committee (2018 to date)
- Commercial Fraud Lawyers' Association
- Young Fraud Lawyers' Association

## Directory quotes

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- "She has one of the brightest legal minds, is very analytical and exceptionally user-friendly. She takes the time to get to know the client and has a mind for commercial fraud." "She has an exceptional grasp of the law." (Chambers & Partners 2022)
- "Charlotte is very thorough, hard-working and very bright." "She is very thoughtful and covers all the angles." (Chambers & Partners 2022)
- "Very able junior who punches above her weight." (Chambers & Partners 2022)
- "Very thorough and user friendly, with great attention to detail." (Legal 500 2022)
- "She can make seemingly unarguable points the winning points." (Chambers & Partners 2021)

- "She is popular with clients and takes a commercial approach." "She is very effective, timely in her advice and a very good advocate. She is very sharp and tactical." (Chambers & Partners 2021)
- Fiercely bright, which is apparent from dealing with her, and in seeing the weight which her leaders put on her input - she works really hard, and goes the extra mile, which is really appreciated. (Legal 500 2021)
- Her written work is always first class. (Legal 500 2021)
- She has an encyclopaedic knowledge of contempt of court issues, and is charming to work with (Chambers & Partners 2020)
- Very client-friendly, hard-working and intelligent, as well as someone who is not afraid to question a leader (Chambers & Partners 2020)
- She is very nice to deal with – good and thorough (Chambers & Partners 2020)
- Incredibly hardworking and she is clearly exceptionally clever (Legal 500 2020)
- Very bright with great attention-to-detail (Legal 500 2020)
- A hard-working commercial junior who produces very good documents (Chambers & Partners 2019)
- Popular, clever and personable (Chambers & Partners 2019)
- She is very thorough (Legal 500 2019)
- She is outstanding. She's user-friendly and she works as part of a team (Chambers & Partners 2018)
- She's very thorough and hard-working, and she understands the business issues, not just the legal aspects of the case (Chambers & Partners 2018)
- A highly regarded junior who is trusted by top silks to handle big-ticket matters. She has experience of acting in huge fraud, insurance and shipping cases, and is viewed as someone who punches well above her level of call (Chambers & Partners 2017)
- She produces high-quality paperwork that is seriously well reasoned and beautifully put together... She is the best junior that I have worked with due to the quality of her advice, her commercial approach and her responsiveness (Chambers & Partners 2017)
- An 'extremely bright and charming' junior... She is a really effective and hard-working junior. 'Getting involved' is an understatement, I felt she had become part of our team (Chambers & Partners 2017)
- I have seen her at a hearing outmatch an opposing QC with ease and elegance. She is proactive and often comes up with smart ideas for arguing a case which are not immediately obvious but which stand up on analysis (Chambers & Partners 2017)
- Excellent (Legal 500 2017)
- An up-and-coming commercial junior with a growing reputation among instructing solicitors (Chambers & Partners 2016)
- A rising star of the commercial Bar...She is very user-friendly, hard-working and has a nice touch. (Chambers & Partners 2016)

- Recommended "given the strength of her flourishing commercial practice"; "she is phenomenally intelligent and hard-working and has a maturity and knowledge beyond her call" (Chambers & Partners 2015)