

Michael Swainston QC

YEAR OF CALL: 1985 YEAR OF SILK: 2002

“praised for his 'impressive advocacy and written submissions, and his tenacity when questioned by the tribunal”

Legal 500 2013

Clerk's Email: TonysClerkingTeam@brickcourt.co.uk



Practice Overview

Michael Swainston QC has a broad litigation and advisory practice in England and overseas in areas including commercial and corporate litigation, international arbitration, human rights, humanitarian law and related public international law. He has particular experience in litigation connected with Russia and CIS countries, and acts for the Russian Federation in the European Court of Human Rights.

He is a Bencher of Lincoln's Inn and a member of the international panel of the St Petersburg International Legal Forum.

Aside from his work in London, he is admitted and practices in the BVI, Cayman, Qatar, Hong Kong and Dubai, and he also has extensive experience in International Arbitration including LCIA, ICC, Bermuda Form and BIT cases.

Michael Swainston QC is recommended by both Legal 500 and Chambers & Partners.

Commercial

Commercial and International

Michael Swainston QC has a broad litigation and arbitration practice in England and overseas. His areas of particular specialism and interest include:

- Commercial fraud,
- Asset seizure,
- Insurance, reinsurance,
- Banking,
- Financial services,
- International trade,
- Investment disputes,
- Human rights and public international law in commerce and conflict.

Practice

Michael has been in the leading cases in all of his specialisms including key cases on jurisdiction, the scope of

fraud, the impact of Shariah law on Western lending arrangements, the Lloyd's litigation, disclosure obligations, permissible tactics in takeover battles, state immunity, state responsibility and the interaction of human rights with commerce and the laws of war.

Notable current/recent Litigation and Arbitration

- (Human rights/public international law): Representing the Russian Federation in Strasbourg in *Yukos v Russian Federation* and *Georgia v Russian Federation (II)*.
- (Company/commercial law/oil & gas): Acting for JKC Plc in the Court of Appeal concerning an alleged corporate raid on the company by Ukrainian oligarchs.
- Acting for a prominent Russian individual seeking bankruptcy protection from the English Court.
- Joint venture litigation relating to mining operations in Kazakhstan.
- Substantial banking fraud litigation.
- Arbitrations re joint venture disputes, banking/guarantee claims, ship sale and purchase.

Jurisdictions Served

England, Strasbourg, Hong Kong, Dubai, Qatar, BVI, Cayman, Bermuda.

Qualifications & Appointments

Education

Sir William Turner's Grammar School; Downing College, Cambridge (MA Cantab); University College, Oxford, (BCL Oxon); California Bar (1988 (inactive))

Career

Called 1985; Lincoln's Inn (Hardwicke and Denning scholarships); called to California Bar 1988 (inactive).

Professional Appointments

- Bencher of Lincoln's Inn
- Education Committee of Lincoln's Inn
- Member of the International Committee of the St Petersburg International Legal Forum

Directory Quotes

- "Exceptionally bright and devastatingly effective in cross-examination." (Chambers & Partners 2019)
- "He's incredibly well known in the area. He's very able and very bright. He's done some incredibly heavyweight commercial fraud cases over the years." (Chambers & Partners 2019)
- "A tough cross-examiner and a brilliant strategist." (Chambers & Partners 2019)
- "Has a formidable reputation as a cross-examiner – forensic and to the point questions." (The Legal 500 2018-19)
- "Always asks forensic and to-the-point questions." (The Legal 500 2018-19)
- "Very well regarded for his cross-examination skills." (The Legal 500 2018-19)
- "His coordination of the work and his advocacy is very impressive." (The Legal 500 2018-19)
- "He's highly accessible and very commercially focused." "Michael has developed a very strong practice focusing on Russia and the former CIS states." (Chambers & Partners 2018)
- "A formidable advocate. He is hugely confident on his feet and he has a really clear, logical focus. Judges find him incredibly persuasive." (Chambers & Partners 2018)
- "He has carved out a huge reputation in this area." (Chambers & Partners 2018)
- "A leader that you wouldn't want to see appearing on the other side." (The Legal 500 2017)
- "Exceptionally bright and devastatingly effective in cross-examination." (The Legal 500 2017)

- "A very well-regarded senior member of the Bar with a strong Russia and CIS practice." (The Legal 500 2017)
- "His cross-examination skills are second to none; he can go toe-to-toe with anyone." (The Legal 500 2017)
- "He performs very well and is highly regarded." (The Legal 500 2017)
- "Very knowledgeable about all aspects Russian, and a very persuasive advocate who fights hard." (Chambers & Partners 2017)
- "Unflappable both in court and with clients." (Chambers & Partners 2017)
- "A tough cross-examiner and a brilliant strategist." (Chambers & Partners 2017)
- "Tough and to the point, he inspires great confidence." "He is phenomenally hard-working and very busy but always manages to make you feel like you are at the top of his list." (Chambers & Partners 2017)
- "A strong silk, who works very much as part of a team." (The Legal 500 2016)
- "His cross-examination is par excellence; he is at the very top of his game." (The Legal 500 2016)
- "He has the ability to go toe-to-toe with anyone." (The Legal 500 2016)
- "Proactive and committed." (The Legal 500 2016)
- "A top-notch disputes lawyer, who exposes witnesses before they even realise it." (The Legal 500 2016)
- "A tough cross-examiner and a brilliant strategist." (The Legal 500 2016)
- "Held in high regard by instructing solicitors, and has a high-profile, international caseload. He is particularly well regarded in respect of civil fraud matters and 'oligarch' litigation arising in Russia and the CIS." (Chambers & Partners 2015)
- "Exceptionally bright. A leader that you would not want to see appearing for the other side. Devastatingly effective in cross-examination, he's strongly recommended for civil fraud and CIS disputes." (Chambers & Partners 2015)
- "Singled out for his impressive advocacy skills. He has particular experience of litigation connected with Russia and the CIS." (Chambers & Partners 2015)
- "He is a fearless advocate, who is extremely knowledgeable, good on his feet and able to give practical and concise advice on key issues. His advocacy skills are first-rate." (Chambers & Partners 2015)
- "He's dogged and gets his teeth into things." "He is a man with a lot of common sense." (Chambers & Partners 2015)
- "A well-regarded practitioner with a strong arbitration practice. He is recognised by peers for his knowledge of insurance matters, and for his work for Russian and CIS clients." (Chambers & Partners 2015)
- "The ideal advocate for a complex battle requiring powerful advocacy. He is also very likeable and user-friendly." (Chambers & Partners 2015)
- "Exceptionally bright and devastatingly effective in cross-examination." (The Legal 500 2014)
- "Not only the best barrister on Earth, but also on Mars." (The Legal 500 2014)
- "A very bright practitioner, who is excellent for Russia and CIS work." (The Legal 500 2014)
- "He quickly gets to the heart of the matter." (The Legal 500 2014)
- "Recommended for insurance cases." (The Legal 500 2014)
- "A hugely impressive silk. Michael comes up with winning arguments quickly and without any fuss." (Chambers & Partners 2014)
- "An extremely strong-willed practitioner who is very influential in building relations in the CIS/Russia." (Chambers & Partners 2014)
- "He has a ferocious intellect and relishes challenges." "He is indefatigable in defending his clients' interests." (Chambers & Partners 2014)
- "praised for his 'impressive advocacy and written submissions, and his tenacity when questioned by the tribunal'" (Legal 500 2013)
- "Michael Swainston QC "is absolutely outstanding," according to impressed sources. This experienced fraud silk is "driven by the will to win and do well for his client." Commentators say that notwithstanding his great intellect and standing in the market he is "neither aloof nor arrogant" when dealing with clients." (Chambers & Partners 2013)
- "Michael Swainston QC is recognised for his leading commercial expertise, and handles international arbitration and related litigation with aplomb. Sources highlight his "tremendous experience of CIS matters before all kinds of tribunals," and consider him to be "an excellent and very persuasive advocate," as well as "a great master of the detail." " (Chambers & Partners 2013)

- "He has also developed a particular expertise in cases coming out of Russia and the CIS." (Chambers & Partners 2013)
- "The "frighteningly intelligent" Michael Swainston QC is a robust cross-examiner who "knows how to really put people under pressure." Instructing solicitors commend him as "a remarkably tenacious silk who will go through the papers, squeeze out every last point and fight to the last breath."" (Chambers & Partners 2013)
- Michael Swainston QC is singled out for his 'ability to identify the core issues of a case and provide solid advice'. (Legal 500 2012)
- Michael Swainston QC is 'an excellent and very persuasive advocate and a great master of detail'. (Legal 500 2012)
- Regarded as "bright, hard-working and very tenacious," (Chambers & Partners 2011)
- Michael Swainston QC is widely regarded as "extremely gifted and very hard-working with it." He is "a formidable advocate, who is proactive and a delight to work with." (Chambers & Partners 2011)
- "a real ideas man who consistently comes up with original lines of argument." Sources consider him to be "intellectually very able" (Chambers & Partners 2011)
- "Michael Swainston QC is 'a genius and very hardworking with it'" (Legal 500 2010)