

## Simon Birt QC

YEAR OF CALL: 1998 YEAR OF SILK: 2015

*"Rapidly developing into a senior silk capable of leading and winning the largest matters."*

Legal 500 2021

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## Practice Overview

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Simon's practice covers all aspects of commercial litigation and arbitration, including banking and financial services, insurance, civil fraud, professional negligence and shipping. Since taking silk in 2015, he "has established himself in silk as a skilled advocate in banking and general commercial disputes" (Chambers & Partners, 2020), and is listed in the legal guides as a leading silk in the fields of commercial dispute resolution, banking and financial services, energy and shipping. He has appeared in a wide variety of cases in the High Court in London, in offshore litigation and in arbitration.

He is currently acting in a range of heavy commercial disputes, among which are the group action *Ingenious Litigation, Recovery Services v Rukhadze* (dealing with profits made from recovering the assets of Badri Patarkatsishvili) and the long-running dispute in the BVI in *Renova v Emmerson*.

## Commercial

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Simon is currently involved in various disputes in the High Court in London and in arbitration, including the *Ingenious Litigation* – a large-scale piece of litigation dealing with disputes about a series of film investment schemes – and *Recovery Services v Rukhadze* (dealing with profits made from recovering the assets of Badri Patarkatsishvili following a claim for breach of fiduciary duty). He also continues to act for the Bank of St Petersburg in their long-running dispute with Vitaly Arkhangelsky. His recent offshore work has included a long running dispute in the BVI between Russian oligarchs relating to a joint venture concerning electricity generation and distribution (*Renova Industries v Emmerson*).

Other high profile cases have included *The Ocean Victory* in the Supreme Court, the multi-billion dollar *DeutscheBank v Sebastian Holdings* dispute, the *Fiona Trust v Privalov* fraud case, the *Masri* litigation and

the *Buncefield* trial.

Simon's cases include:

- *Ingenious Litigation* [2021] EWCA Civ 29; [2020] EWHC 1731 (Ch); [2020] EWHC 235 (Ch)
- *Bank of St Petersburg v Arkhangelsky* [2020] 4 WLR 55, [2018] EWHC 1077 (Ch), [2016] 1 WLR 1081
- *Emmerson v Renova Industries* (BVIHCMAP2016/0029), *Emmerson v Starlex* (BVIHCMAP2018/0044)
- *Gard Marine & Energy v China National Chartering ("The Ocean Victory")* [2017] 1 WLR 1793
- *Scottish Power UK plc v BP Exploration Operating Co Ltd*
- *Slocom Trading v Tatik, Sibir and Maritime* [2014] EWCA Civ 831, [2012] EWHC 3464 (Ch) (and [2013] EWHC 1201 (Ch))
- *Deutsche Bank AG v Sebastian Holdings Inc* [2013] EWHC 3463 (Comm)
- *Masri v Consolidated Contractors International* [2011] EWHC 1780 (Comm)
- *Fiona Trust v Privalov* [2010] EWHC 3199 (Comm) (and at [2011] EWHC 715 (Comm), [2011] EWHC 664 (Comm) and [2011] EWHC 1312 (Comm), [2015] EWHC 527 (Comm))
- *Colourquest v Total UK: the Buncefield litigation* [2009] 2 Lloyd's Rep 1
- *Lansat Shipping Co v Glencore Grain BV, The "Paragon"* [2009] 2 Lloyd's Rep 688
- *Datasat Communications v Swindon Town Football Company Limited* [2009] EWHC 859 (Comm)
- *Standard Life v Oak Dedicated* [2008] 1 Lloyd's Rep I.R. 552
- *Fiona v Privalov* [2008] EWHC 1748 (Comm)
- *Real Estate Opportunities v Aberdeen and UBS* [2007] 2 All ER 791
- *Ecuador v Occidental Exploration & Production Company* (No.s 1 & 2) [2005] EWHC 774 (Comm), [2005] All ER (D) 06 (May), [2005] 2 Lloyd's Rep 240, CA: [2005] EWCA Civ 1116, [2006] 1 Lloyd's Rep, [2006] QB 432
- *Masri v Consolidated Contractors International (UK) Ltd; Masri v Khoury & ors* (Comm Ct), [2005] EWHC 944 (Comm), [2005] All ER (D) 254 (May); Court of Appeal: [2005] All ER (D) 275, [2006] 1 WLR 830
- *Yukos v FSA* [2006] EWHC (Admin) 2044
- *Linelevel Ltd & Ors v Powszechny Zaklad Ubezpieczen SA* (Comm Ct), [2005] EWHC 421 (Comm), [2005] All ER (D) 289 (Mar), [2005] 2 Lloyd's Rep 534
- *Bonner v Cox (Aon 77)* [2004] EWHC 2963 (Comm)
- *Corporate Aircraft Dispatch v MBI Aviation* [2004] EWHC 587 (QB)
- *Sodeca SA v NE Investments & Ors*, Commercial Court [2002] EWHC 1700
- *Normans Bay v Coudert Brothers* [2003] All ER (D) 248; CA: [2004] EWCA Civ 215
- *Mousaka v Golden Seagull* [2001] 2 Lloyd's Rep 657
- *ABTA v British Airways* [2000] 1 Lloyd's Rep 160
- Various Arbitration proceedings in fields of Insurance, Reinsurance and Shipping

## Qualifications

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- MA (Oxon), First Class (first in year)
- BCL, First Class
- Brasenose College, Oxford

Scholarships and prizes include:

- Reid Scholarship (Gray's Inn)
- Du Cann Prize for Excellence in Advocacy
- Prince of Wales Scholarship (Gray's Inn)
- Martin Wronker prize for the best overall performance in Finals (Oxford University)
- Senior Hulme Scholarship (Brasenose College)

## Directory Quotes

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- "A really good advocate, whom judges like and trust, he is brilliant on the detail." (Chambers & Partners 2022)
- "He's very perceptive of where the judge is going and is excellent at reading people." "He's extremely bright, very switched on and is a very measured advocate." (Chambers & Partners 2022)
- "He is brilliant at controlling the courtroom by how persuasive and authoritative he is in his submission. He is an extremely good advocate." (Chambers & Partners 2022)
- "He is very responsive, smart, on point, and has a good grasp on the main points." "He is a brilliant and clever lawyer." (Chambers & Partners 2022)
- "Incredibly diligent and detail-oriented, while always remaining alive to the big picture. An urbane courtroom presence, Simon has a steely core and will never be pushed about." (Legal 500 2022)
- "Simon is exceptionally bright and a great advocate with a very calm but forceful manner in the courtroom, and he is capable of demolishing opposing arguments." (Legal 500 2022)
- "He may be the calmest person in the world which is an incredible strength for a heavy piece of litigation. The judges really trust him and he is very good at clearing away the noise." (Legal 500 2022)
- "His attention to detail and knowledge of the documents is first-rate. He is also a compelling advocate, who has a reassuring and effective style in the courtroom." (Legal 500 2022)
- "A very smart lawyer and a very smart tactician." "He gets into the detail and has good judgement in court." (Chambers & Partners 2021)
- "He's very into the detail and someone who will roll up their sleeves and get into the the nitty-gritty of a case." (Chambers & Partners 2021)

- "He's very good, thorough and diligent. A very measured barrister with a nice court manner." "He's very available, to the point, quick on the uptake and understands the issues immediately. He is also very technical and amenable to understanding foreign law concepts." (Chambers & Partners 2021)
- "Rapidly developing into a senior silk capable of leading and winning the largest matters." (Legal 500 2021)
- "Very calm and authoritative in the courtroom, he can dissect very complex issues and deliver commercial and strategic advice." (Legal 500 2021)
- "He is an excellent shipping silk." (Legal 500 2021)
- "Has established himself in silk as a skilled advocate in banking and general commercial disputes. His work in financial matters often concerns cases arising from the financial crash and credit crisis. He is also instructed in film partnership litigation involving FSMA issues. Birt works both for and against banking institutions, often undertaking cases with cross-border elements." "Cerebral in his approach," he has the "ability to grasp complex matters quickly and provide both high-level and detailed advice in a succinct manner." (Chambers & Partners 2020)
- "Noted for his commercial practice and his representation of oil companies in a wide variety of cases, including North Sea disputes. He has experience acting for Russian oligarchs in joint venture disputes. His recent work has also included complex natural resources disputes in Eastern Europe." "Simon is exceptionally bright and user-friendly. He impresses with his ability to grasp complex matters and provide high-level and detailed advice in a succinct manner." "He is a strong, technical lawyer who is great with clients and rolls his sleeves up." (Chambers & Partners UK & Global 2020)
- "Simon is exceptionally bright and user-friendly, and impresses with his ability to grasp complex matters quickly and provide both high-level and detailed advice in a succinct manner." (Chambers & Partners UK & Global 2020)
- "He is unflappable and remains serene however pressured the situation." (The Legal 500 2020)
- "Skilled in high-value oil and pipeline cases." (The Legal 500 2020)
- "He is excellent." (The Legal 500 2020)
- "A super brain with an incredible work ethic. Simon is a tremendous team player who you want on your side in the largest, most hard-fought matters." (Chambers & Partners 2019)
- "Simon Birt QC is extremely clever, and the level at which he engages with the detail is incredible." "He has the ability to provide both high-level and detailed advice in a succinct manner." (Chambers & Partners 2019)
- "Highly intelligent and pragmatic; superb both on paper and in the courtroom." (The Legal 500 2018-19)
- "He is very detail-orientated." (The Legal 500 2018-19)
- Simon Birt QC is a key name in the area with a wealth of experience litigating in the banking and financial services sectors. Sources effuse that he is "extremely talented, charming and simply first-class". (Who's Who Legal - UK Bar: Banking & Finance 2018)
- "Has established himself in silk as a skilled advocate in banking and general commercial disputes." (Chambers & Partners 2018)

- "Simon is an excellent barrister. He is extremely intelligent, user-friendly and someone who fully grasps complex details." "Immensely hard-working, very bright and a real team player." (Chambers & Partners 2018)
- "He is extremely intelligent, user-friendly and he always has a full grasp of complex details." "A brilliant draftsman, who is very measured and very methodical." (Chambers & Partners 2018)
- "His ability to convey a point succinctly and clearly is second to none." (The Legal 500 2017)
- "Simon Birt QC impresses clients with his "dedication and incredible work ethic". He is known to be "very bright and analytical" with the ability to "remain calm under pressure and always demonstrates great common sense."" (Who's Who Legal - UK Bar: Banking & Finance 2017)
- "He is a great example of the new generation of top silks - he's not as bombastic as the old breed while still producing a brilliant work product." "He is extremely intelligent, highly user-friendly and always has a full grasp of the complex details in any given case." (Chambers & Partners 2017)
- "Simon's great strength is that nothing ever fazes him. Throughout twists and turns in proceedings, he is calm, collected and analytical." "He is brilliant: incredibly hard-working, approachable, responsive, fantastic on paper and very good with difficult clients." (Chambers & Partners 2017)
- "Simon Birt QC is "one of the best commercial barristers around" and is widely praised for his "deep legal knowledge, business nous and enthusiastic and committed approach" to cases. He was "especially impressive" on the multibillion-dollar DeutscheBank v Sebastian Holdings dispute according to peers." (Who's Who Legal UK Bar 2015)
- "An extraordinarily thoughtful, bright barrister whose drafting is excellent. A very, very smart guy who has great advocacy skills." "Unbelievably hard-working, he was a pleasure to work with on a super-stressful case." (Chambers & Partners 2015)
- "He has an inner drive and confidence and provides superb technical analysis of legal issues." "He's extremely hardworking and incisive." (Chambers & Partners 2015)