BRICK COURT
CHAMBERS

Brick Court Chambers
7-8 Essex Street, London WC2R 3LD
DX 302 London Chancery Lane

Michael Swainston KC

YEAR OF CALL: 1985 **YEAR OF SILK**: 2002

"At the top of his game and a giant of the commercial bar." "Strong experience of major international disputes and BIT claims."

Legal 500

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



Practice Overview

Michael Swainston KC has an extensive practice in inter-State litigation, international commercial arbitration, investment treaty cases and substantial domestic litigation.

He has particular experience in disputes connected with Russia and former CIS countries, and has acted for the Russian Federation in a range of International Courts and Tribunals

Commercial and international

Michael Swainston KC deals with heavy international litigation and arbitration for States, companies and private parties.

His areas of particular specialism and interest include:

- Human rights, sanctions and conflict;
- Investment treaty law and practice;
- Commercial fraud;
- International trade;
- Company law and shareholder disputes.

Michael has been in the leading cases in all of his specialisms, dealing with, for example:

- Conflict and human rights
- Sanctions, bilateral investment treaties and human rights
- Forensic evidence, including ground-breaking techniques to show falsification of documents, video and audio material
- Fraud;
- Directors' duties during takeovers.

Notable cases include:

- *Yukos v Russian Federation*;
- *Georgia v Russia*
- *Ukraine v Russia* (sundry international cases in the European Court of Human Rights and the International Court of Justice);
- Current claims against various States under bilateral investment treaties in respect of sanctions for amounts in excess of Euros 16 billion;

Jurisdictions served (litigation and arbitration)

Strasbourg, the Hague, England, Hong Kong, Singapore, Dubai, Qatar, BVI, Cayman, Bermuda.

Qualifications & Appointments

Education

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

Career

Called 1985; Lincoln's Inn (Hardwicke and Denning scholarships); called to California Bar 1988 (inactive); KC, 2002.

Professional Appointments

- Bencher of Lincoln's Inn;
- Expert on sanctions and human rights working with the UN Special Rapporteur on Unilateral Coercive Measures;
- Former Chairman of the International Relations Committee of the Bar of England & Wales;
- Former UK delegate to the European Commission “Common Frame of Reference” project.

Interests

Art (painting), music (saxophone), expeditions.

Directory Quotes

- "At the top of his game and a giant of the commercial bar. An impressive advocate." (Legal 500 2021)
- "Highly experienced in Russia-related disputes." (Legal 500 2021)
- "Detailed preparation and forensic cross examination are his major qualities and junior barristers should observe him when he is in a trial, it’s a free lesson not to be missed." (Legal 500 2021)
- "An experienced advocate instructed in complex fraud disputes. He offers specialist expertise in the countries of the CIS. He often acts in cases arising in the insurance and financial services sectors." "Very committed to his clients." (Chambers & Partners 2020)
- "Michael is very tenacious, and has a very aggressive cross-examination style which is very effective." "He is focused on his arguments, and on maintaining a cordial atmosphere during litigation." (Chambers & Partners UK & Global 2020)
- "An extremely well-regarded advocate." (The Legal 500 2020)
- "Strong experience of major international disputes and BIT claims." (The Legal 500 2020)
- "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)
- "His coordination of the work and his advocacy is very impressive." (The Legal 500 2018-19)
- "He's highly accessible and very commercially focused." (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)

- "A leader that you wouldn't want to see appearing on the other side." (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)
- "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)
- "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)
- "Not only the best barrister on Earth, but also on Mars." (The Legal 500 2014)
- "A hugely impressive silk. Michael comes up with winning arguments quickly and without any fuss." (Chambers & Partners 2014)
- "He has a ferocious intellect and relishes challenges." "He is indefatigable in defending his clients' interests." (Chambers & Partners 2014)
- "Michael Swainston KC "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 KC 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)
- "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 KC is 'a genius and very hardworking with it'" (Legal 500 2010)