

Vernon Flynn KC

YEAR OF CALL: 1991 YEAR OF SILK: 2008

"His sheer force of energy, intelligence, advocacy and politely devastating skill in cross-examination put him among the best..."

Chambers & Partners

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Practice Overview

Vernon Flynn KC "a class act" and "superstar" has a wide-ranging practice in international and domestic commercial law. Known for his extensive experience in trials and appellate advocacy, he is frequently instructed to appear in very significant high value, multi-jurisdictional disputes both domestically and across the world. Such instruction has resulted in appearances in many jurisdictions such as Anguilla, Australia, Cayman Islands, Gibraltar, India, Hong Kong, Qatar, St Lucia, Seychelles, Singapore, Sweden, Tanzania, the United Arab Emirates and the Virgin Islands.

Recent appearances include three Privy Council appeals, several appeals in the UKCA and the Cayman Islands Court of Appeal, two DIFC CA hearings and three ECCA appeals on appeal from the BVI.

Vernon has particular expertise in international arbitration under most institutional rules as both arbitrator and counsel and the commercial aspects of public international law.

Vernon is recognised and ranked as one of the leading KCs in both L500 and Chambers and Partners in, International Arbitration, Offshore (Bar), Dispute Resolution: Commercial, Energy and Natural Resources, Commercial Litigation and Fraud.

Vernon was a black belt karate instructor at Cambridge University and won a gold medal at the BUSF games.

Commercial Litigation

Vernon Flynn KC has an extensive and wide-ranging international practice at the highest level. His practice has involved appearances in many jurisdictions such as Anguilla, Australia, Cayman Islands,

Gibraltar, India, Hong Kong, Qatar, Seychelles, Singapore, St Lucia, Sweden, Tanzania, the Virgin Islands, and the United Arab Emirates.

He has had a diverse range of experience over the course of his career: highlights include being junior counsel to Sony Music in the George Michael trial, acting for Elton John, the Beatles and the Spice Girls amongst many others in the entertainment industry. In silk, he was personal counsel to the then Chancellor of the Exchequer in the Leveson Inquiry, acted in the original gas dispute between Russia and the Ukraine, acted in the Ecuadorian Indian dispute with Chevron and for the Ruler of the UAE in a case in the Seychelles involving sovereign immunity. He has also acted for the 9/11 victims against Iran and in the largest ever UK divorce.

Recent commercial cases include:

- *Tethyan v Republic of Pakistan* - This is a \$6bn ICSID enforcement case which has had a lot of publicity. It has resolved some very substantial PIL issues.
- *Arcelormittal USA LLC v Essar Global Fund Limited & ors* - A very significant case for offshore jurisdictions on the issue of principle as to whether NPO relief is available at all.
- *A v B* - This is a very substantial energy dispute arising out of a dispute in Angola. There are parallel proceedings in New York.
- *V v A* - Acting for defendants to \$300 million claims in an LCIA arbitration by a Russian bank in relation to the financing of and investment in a copper mine in Armenia.
- *Autostore v Ocado* - The underlying case concerned patent proceedings in the UK and in the International Trade Commission in the US. This aspect of the case concerned the admissibility of evidence in the ITC as a result of without prejudice communications.
- *Carey Olsen Parties* - This is an originating summons case related to large scale litigation in Hong Kong. In Cayman an important issue of law is raised: (1) whether a capital reduction must be approved by the court and (2) whether the company register is definitive as to the members. The case also involved a declaration as to the financial statements and accounts.
- *A v B* - A high value (USD250m+) dispute concerning the operating system of a mobile telephone company.
- *SR Projects Limited v Ramdath Dave Rampersad and Ors*

DIRECTORY QUOTES

Chambers & Partners

2024: "Vernon Flynn is an amazing advocate."

2024: "Vernon is a fighter who will argue the client's corner tenaciously and with huge energy."

2024: "Vernon is someone at the Bar you go to for the biggest and most difficult cases. He is an excellent choice because he really commands a courtroom."

2023: "Vernon is astute, approachable and very effective."

2023: "He is someone the judge really listens to and has a really nice, measured but compelling style."

2023: "Vernon can turn the most complex evidential and legal points into very simple themes."

2022: "A fabulous advocate with particular strength in offshore jurisdictions, such as the DIFC."

2021: "He is able to translate difficult problems into words that clients understand."

2021: "Vernon is absolutely brilliant; he is affable, credible, and someone who commands the respect of the court."

Legal 500

2024: Vernon is an excellent advocate and knows his audience extremely well. He is able to convey complex legal arguments in a clear and concise manner. He is also very responsive and industrious, quickly digesting large amounts of information and focusing on the pertinent factual and legal issues to provide timely advice."

2023: "Vernon is an excellent advocate and knows his audience extremely well. He is able to convey complex legal arguments in a clear and concise manner. He is also very responsive and industrious, quickly digesting large amounts of information and focusing on the pertinent factual and legal issues to provide timely advice."

2021: "A class act with no airs and graces, utterly sincere and genuine"

Legal 500, Asia Pacific

2024: "A number one choice on difficult cases particularly with an arbitration angle."

Fraud

Vernon Flynn KC has a wide ranging practice in international and domestic commercial law with a particular emphasis on fraud claims from Fiona Trust in the House of Lords to trial work (including substantial experience of cross-examining alleged fraudsters) and the full range of ancillary relief from freezing and search orders, asset recovery to the appointment of receivers. He has particular experience of multi-jurisdictional claims with an insolvency element.

Recent fraud cases include:

- *Tethyan v Republic of Pakistan* - This is a \$6bn ICSID enforcement case which has had a lot of publicity. It has resolved some very substantial PIL issues.

- *Arcelormittal USA LLC v Essar Global Fund Limited & ors* - A very significant case for offshore jurisdictions on the issue of principle as to whether NPO relief is available at all.
- *A v B* - This is a very substantial energy dispute arising out of a dispute in Angola. There are parallel proceedings in New York.
- *JTrust Asia Pte. Ltd. v Konoshita* - Instructed in connection with a claim to recover c. US\$95 million which JTrust contends that it invested in a Thai public company as a result of an accounting fraud by its CEO, Mr Konoshita. The claim is being heard in the Commercial Court of the BVI, but required close coordination with related actions in Singapore and Thailand. Upholding a freezing order which had been the subject of a strong challenge by Mr Konoshita and unfavourable indications from the Court. Successful application for the appointment of a receiver (which is a powerful and rarely granted remedy).
- *A v B* - This is a very important arbitration case in the BVI. It involved a freezing order from the BVI against a non-signatory to an arbitration clause where BVI was not the seat.
- *Matlinpatterson v Vrg Linhas Aereas S.A* - Appeared for the New York private equity giant MatlinPatterson in resisting an appeal brought against the first instance Court's decision to refuse recognition of an arbitral award for \$80 million made under the New York Convention on the Enforcement of Arbitral Awards. These proceedings have been twice to the Court of Appeals in the US and proceedings are also pending in this matter before the highest Court in Brazil (Superior Court) – the seat of the arbitration – where the award is being challenged. The matter raises in an interesting way the very hot topic of issue estoppel both in respect of prior proceedings under the New York Convention and in respect of decisions by the Court of the seat, in particular where the latter is subject to a pending appeal. This topic is also raised by Ukraine's challenge against Tatneft's award.

DIRECTORY QUOTES

Legal 500

2023: "One of the few who can effectively marshall a large barrister team and gets results in an international commercial litigation context."

2021: "He rolls up his sleeves and fights side to side with his clients and instructing lawyers. He is very user friendly and successfully advances aggressive, but justifiably so, arguments against fraudsters"

International Arbitration

Vernon Flynn KC has particular expertise in international arbitration under most institutional rules both as arbitrator and counsel. He has appeared in many of the important cases under the 1996 Act including *Fiona Trust*, *Azov Shipping v Baltic Shipping*, *A v B*, *Cetelem v Roust*, *SAB Miller*,

Nomihold v MTSF, Union of India v Reliance, Karkey and Westland Helicopters. He was a Visiting Fellow of the London School of Economics from 2003 to 2009 on the LLM course, International and Comparative Commercial Arbitration, which course he co-founded. He occasionally sits as arbitrator in interesting cases (such a mining dispute against involving an African state involving a claim in excess of US\$35 billion).

Recent arbitration cases include:

- *Tethyan v Republic of Pakistan* - This is a \$6bn ICSID enforcement case which has had a lot of publicity. It has resolved some very substantial PIL issues.
- *A v B* - This is a very substantial energy dispute arising out of a dispute in Angola. There are parallel proceedings in New York.
- *V v A* - Acting for defendants to \$300 million claims in an LCIA arbitration by a Russian bank in relation to the financing of and investment in a copper mine in Armenia.
- *X v Y* - Claims for breach of a Sale and Purchase Agreement and a Shareholders Agreement in relation to a Mining Project in the Republic of Congo. The licenced territories extended over 6,500 km.
- *JTrust Asia Pte. Ltd. v Konoshita* - Instructed in connection with a claim to recover c. US\$95 million which JTrust contends that it invested in a Thai public company as a result of an accounting fraud by its CEO, Mr Konoshita. The claim is being heard in the Commercial Court of the BVI, but required close coordination with related actions in Singapore and Thailand. Upholding a freezing order which had been the subject of a strong challenge by Mr Konoshita and unfavourable indications from the Court. Successful application for the appointment of a receiver (which is a powerful and rarely granted remedy).
- *A v B* - This is a very important arbitration case in the BVI. It involved a freezing order from the BVI against a non-signatory to an arbitration clause where BVI was not the seat.
- *Matlinpatterson v Vrg Linhas Aereas S.A* - Appeared for the New York private equity giant MatlinPatterson in resisting an appeal brought against the first instance Court's decision to refuse recognition of an arbitral award for \$80 million made under the New York Convention on the Enforcement of Arbitral Awards. These proceedings have been twice to the Court of Appeals in the US and proceedings are also pending in this matter before the highest Court in Brazil (Superior Court) - the seat of the arbitration - where the award is being challenged. The matter raises in an interesting way the very hot topic of issue estoppel both in respect of prior proceedings under the New York Convention and in respect of decisions by the Court of the seat, in particular where the latter is subject to a pending appeal. This topic is also raised by Ukraine's challenge against Tatneft's award.
- *A v B* - A high value (USD250m+) dispute concerning the operating system of a mobile telephone company.

DIRECTORY QUOTES

Chambers & Partners

2024: "He is able to convey complex legal arguments in a clear and concise manner. He is also very responsive and industrious, quickly digesting large amounts of information and focusing on the pertinent factual and legal issues."

2024: "He is one of the strongest international arbitration practitioners."

2024: "He is at the top of his game and is the go-to silk for international arbitration."

2023: "He has an ability to understand and digest legal issues, and then attack them with a laser-like focus."

2023: "He does not make tactical mistakes and maintains a cool head throughout proceedings."

2023: "He's a master strategist."

2023: "Vernon has enormous experience and is very confident in the way he presents things."

2022: "He's very knowledgeable and very experienced in the DIFC. He's a great advocate."

2022: "He is very impressive and calm under pressure."

2022: "He is loved by clients and is good at fighting his client's corner."

2021: "He is very easy to work with, bright and very responsive."

2021: "Truly excellent and really engaging with the tribunal."

Legal 500

2024: "One of the top rated silks in this area. Clients love him and he is very pragmatic. He has a very appealing advocacy style."

2023: "One of the leading lights at the arbitration Bar. He is universally well-known and respected. Clients love him for his hands-on approach and arbitrators respect him."

Legal 500, Asia Pacific

2023: "A number one choice on difficult cases particularly with an arbitration angle."

Offshore

Vernon Flynn KC has a wide-ranging practice in international and domestic commercial law. As a commercial silk, he has continued his diverse practice in "big ticket" multi-jurisdictional disputes. His

cases have ranged from substantial trial and appellate advocacy to injunctive relief. They have involved instructions to appear in many jurisdictions such as Anguilla, the Cayman Islands, British Virgin Islands, Hong Kong, Tanzania, Seychelles, Sweden, Singapore, Qatar and Dubai.

Recent offshore cases include:

- *Tethyan v Republic of Pakistan* - This is a \$6bn ICSID enforcement case which has had a lot of publicity. It has resolved some very substantial PIL issues.
- *Arcelormittal USA LLC v Essar Global Fund Limited & ors* - A very significant case for offshore jurisdictions on the issue of principle as to whether NPO relief is available at all.
- *JTrust Asia Pte. Ltd. v Konoshita* - Instructed in connection with a claim to recover c. US\$95 million which JTrust contends that it invested in a Thai public company as a result of an accounting fraud by its CEO, Mr Konoshita. The claim is being heard in the Commercial Court of the BVI, but required close coordination with related actions in Singapore and Thailand. Upholding a freezing order which had been the subject of a strong challenge by Mr Konoshita and unfavourable indications from the Court. Successful application for the appointment of a receiver (which is a powerful and rarely granted remedy).
- *Kwok Hiu Kwan v Convoy Global Holdings Limited* - This is an originating summons case related to large scale litigation in Hong Kong. In Cayman an important issue of law is raised: (1) whether a capital reduction must be approved by the court and (2) whether the company register is definitive as to the members. The case also involved a declaration as to the financial statements and accounts.
- *SR Projects Limited v Ramdath Dave Rampersad and Ors*
- *A v B* - This is a very important arbitration case in the BVI. It involved a freezing order from the BVI against a non-signatory to an arbitration clause where BVI was not the seat.
- *Matlinpatterson v Vrg Linhas Aereas S.A* - Appeared for the New York private equity giant MatlinPatterson in resisting an appeal brought against the first instance Court's decision to refuse recognition of an arbitral award for \$80 million made under the New York Convention on the Enforcement of Arbitral Awards. These proceedings have been twice to the Court of Appeals in the US and proceedings are also pending in this matter before the highest Court in Brazil (Superior Court) – the seat of the arbitration – where the award is being challenged. The matter raises in an interesting way the very hot topic of issue estoppel both in respect of prior proceedings under the New York Convention and in respect of decisions by the Court of the seat, in particular where the latter is subject to a pending appeal. This topic is also raised by Ukraine's challenge against Tatneft's award.
- *A v B* - A high value (USD250m+) dispute concerning the operating system of a mobile telephone company.

DIRECTORY QUOTES

Chambers & Partners

2024: "Vernon is a fighter, who will argue the client's corner tenaciously and with huge energy."

2024: "Vernon is a senior name for the biggest and most difficult cases; he is an excellent choice because he commands a courtroom."

2024: "Vernon tends to have the ear of the court. He's always extremely well prepared."

2023: "He is extremely knowledgeable and personable, even under fire. He is forthright while being commendably polite in difficult client circumstances."

2023: "Vernon Flynn is one of the sharpest brains I have come across. He is able to calm the most troubled of waters with his smooth style of advocacy."

2023: "Vernon Flynn is a star performer in offshore. He is a good advocate and is always supremely well prepared."

2022: "He is very user-friendly and focused, good with lay clients and skilled in oral advocacy."

2021: "He produces consistently excellent, quality work."

Legal 500

2024: "Vernon is exceptional - his advocacy skills are exemplary. He is very personable and easy to work with."

2023: "An incredibly persuasive advocate, Vernon performs well in his feet. Clearly well read in to the matter and up to speed. His written advocacy is very impressive, too."

Energy and Natural Resources

Vernon Flynn KC has a wide-ranging practice in international and domestic commercial law. Energy disputes have always formed a major part of his practice in silk. He dominates complex and high-value work in this area. These include many mining and gas disputes in many jurisdictions (including gas pricing arbitrations). They include acting in the original gas dispute between Russia and the Ukraine, the Ecuadorian Indian dispute with Chevron and for the Ruler of the UAE in a case in the Seychelles involving sovereign immunity in relation to an alleged oil spill, the long running dispute between India and Reliance Industries as well as many in Africa and the Middle East in particular.

Recent energy cases include:

- *A v B* - This is a very substantial energy dispute arising out of a dispute in Angola. There are parallel proceedings in New York.
- *V v A* - Acting for defendants to \$300 million claims in an LCIA arbitration by a Russian bank in relation to the financing of and investment in a copper mine in Armenia.

- *A v B* - Claims for breach of a Sale and Purchase Agreement and a Shareholders Agreement in relation to a Mining Project in the Republic of Congo. The licenced territories extended over 6,500 km.

DIRECTORY QUOTES

Chambers & Partners

2024: "Vernon Flynn is a well-respected energy practitioner who is client-friendly and has the ear of the court or tribunal before whom he appears."

2024: "Vernon is a very good advocate and makes submissions in a realistic and effective way. Tribunals listen to him."

2023: "He is extremely user-friendly and someone who commands confidence and the ear of the court."

2022: "He is excellent. He is very user-friendly and has an international reputation."

2021: "Very persuasive and gets the judge onside."

2021: "A real street fighter and fun to work with."

Legal 500

2024: Vernon is an excellent advocate and knows his audience extremely well. He is able to convey complex legal arguments in a clear and concise manner."

2023: "Responsive and industrious, he his audience extremely well and is able to convey complex legal arguments in a clear and concise manner."

2021: "A very persuasive advocate who is easy to work with and is able to present arguments in very simple terms"

Public International Law

Vernon Flynn KC has a wide-ranging practice in international and domestic commercial law. Public International Law has always formed a major part of his practice. He has particular and extensive experience of BIT and ICSID claims. He has recently acted for India, Pakistan, the Russian Federation, East Timor, the Ruler of the UAE and Kazakhstan. He has acted against many States – most recently against Iran in the 9/11 litigation. Highlights have included the first sovereign immunity case in the Seychelles.

EDUCATION & QUALIFICATIONS

2003-09 Visiting Fellow of the London School of Economics in International Commercial Arbitration

2008 Appointed Queen's Counsel

1991 Called to the Bar at Lincoln's Inn

1990-1 The Inns of Court School of Law

1990 Commercial Law Tutor at LSE

1986-89 Trinity College, Cambridge - First Class Honours in Law

AWARDS

1991 The Denning Scholarship, Lincoln's Inn (then the top scholarship awarded)

1990 Hardwicke Scholarship, Sir Thomas More Award – Lincoln's Inn

Trotman Senior Exhibition

Mary Datchelor Award

Senior Scholar and Whittaker Scholar – Trinity College Cambridge

The Lizette Bentwich Prize and College Tripos Prize