

Aidan Casey QC

Call Date: 1992 | Silk Date: 2016



Aidan Casey QC's practice covers all areas of commercial and business law, with a particular emphasis on international and domestic commercial fraud and the identification and recovery of the proceeds of crime in that sphere.

Aidan's practice over recent years has involved a significant number of very heavyweight cases with a Russian / CIS element, and with associated offshore issues. These cases have included *OJSC Aeroflot v Berezovsky & Forus Group Companies* (acting for Aeroflot), *Government of the Samara Region v Berezovsky* (acting for the Government of the Samara Region of the Russian Federation), and *OJSC Aeroflot v Berezovskaya* ([2014] EWHC 70 (Ch), [2014] EWCA Civ 431, [2014] EWHC 3064 (Ch)). The latter case centred upon a dispute as to the control of the estate of the late Mr Boris Berezovsky, and involved complex and heavily contested applications as to privacy and confidentiality, and related ECHR issues, concerning information belonging to the family and estate of the late Arkady 'Badri' Patarkatsishvili.

He also regularly undertakes arbitration work, again often arising out of Russian / CIS disputes. He is currently instructed in a series of related LCIA and International Commercial Arbitration Court (Moscow) arbitrations, in a dispute concerning the ownership and control of one of Russia's 30 largest banks. The case also has a Cypriot element and it raises issues as to the arbitrability of Russian corporate disputes. He is also currently instructed in an LCIA arbitration concerning a very large open-cast coal mine in Siberia, again with substantial Cypriot law elements and involving allegations of fraud and profit-stripping.

He is regularly instructed by banks and other institutions and clients in relation to fraud and associated banking and also trust-related work, and he regularly works in conjunction with lawyers in other jurisdictions (recent examples include Switzerland, Liechtenstein, the Bahamas, Jersey and the Isle of Man) on multijurisdictional claims involving fraud and misfeasance and associated issues ranging from trusts and 'trust-busting', and asset-tracing to corporate governance and regulatory issues.

Recent cases include:

- A successful appeal to the Court of Appeal in a proceeds of crime case involving wide-ranging issues of multi-jurisdictional asset-tracing, the corporate veil, and the validity and governance of a number of offshore trusts and corporate entities.
- A successful appearance in the Supreme Court in a case involving an attempt by the RCPO to pierce the corporate veil of a structure involving 'one man' companies and corporate directors.
- An appeal to the Privy Council acting for a well-known property developer in the Bahamas, in a case involving large-scale allegations of breach of mandate and unauthorised transfers, and also capacity issues.

- Representing a number of investors who have lost large sums of money in a 'boiler room' scam involving the sale of En Primeur wines.

Legal Services

Commercial

His commercial practice includes charterparty and other shipping disputes, arbitrations including in particular LMAA, LCIA and BIT arbitrations, and also carriage by road (CMR) cases.

In addition to commercial/contractual disputes, he also undertakes significant chancery-commercial cases, and has wide experience of domestic and international claims arising from shareholders' and directors' disputes and misfeasance, and share sale warranty claims.

Aidan has substantial experience of claims, including claims potentially running to in excess of £300 million, arising from the recent Libor-rigging events and from related interest rate hedging product sales. He also has a particular interest in similar claims arising from Forex-rigging, and has developed substantial market knowledge in that context.

His practice also includes significant volumes of domestic commercial fraud and asset recovery of all types, and fraud perpetrated by NHS contractors (he acts for a number of Health Authorities and associated bodies). He has substantial experience of urgent interim relief applications, particularly freezing injunctions and injunctions concerning restrictive covenants in both employment and share-sale contexts.

Constitutional Law

Aidan regularly appears in the Privy Council, on the full range of appellate issues which come before the Judicial Committee – commercial, constitutional and criminal. Recent representative cases have involved:

- Attempts to evade land-ownership control and exchange control legislation in Bermuda.
- Banking appeals for the Bahamas subsidiary of a private Swiss bank.
- Large-scale confiscations under anti-money laundering legislation.
- Advising a telecommunications provider in relation to the impending overhaul of the regulatory and statutory telecommunications regime in Bermuda.

Professional Negligence

He undertakes professional negligence work related to the commercial and business context, particularly in relation to accountants, solicitors and surveyors. His practice in this area has a growing emphasis on acting, mainly for lenders, in claims against surveyors and solicitors arising out of mortgage frauds and other over-valuations.

Public Access

Aidan is able to accept instructions directly from members of the public, companies and other entities

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through the public access scheme (also known as direct access). Aidan has acted, advised and drafted pleadings and documents for a number of individuals and small and medium sized businesses on a direct access basis. He is happy to accept instructions on a direct basis in appropriate cases. If you wish to instruct Aidan on a direct basis, please speak to the clerks.

For more information on public access, please see the [Bar Council website](#).

Sports, Media, and Entertainment

Aidan also has a busy and growing practice in the sports, media and entertainment field. He has acted for a number of Premier league footballers and also for agents in disputes involving the FA Agents Regulations and disputes with clubs, sponsors and others. He appeared for the defendant vendor in the very high profile claim RDF Media v Clements and has recently been engaged in a complex and wide-ranging libel case in the Court of Appeal involving a well-known Russian oligarch. He has also acted in a claim involving the sale of allegedly fake Francis Bacon drawings.

Memberships

- Commercial Bar Association (COMBAR)
- London Common Law & Commercial Bar Association (LCLCBA)
- Commonwealth Lawyers' Association

Qualifications

- LLB (First Class) King's College, University of London

Languages

- French