

Andrew Barns-Graham

Call Date: 2011



Andrew Barns-Graham specialises in **civil fraud litigation** and asset recovery, **banking and other commercial disputes**, shareholder disputes, and contentious **insolvency** and trusts.

His related areas of expertise include freezing injunctions, financial disclosure applications and asset tracing, securities fraud, forgery and counterfeiting, breach of confidence, breach of fiduciary duty, the cross-border enforcement of judgments and non-performing loans, jurisdiction challenges, and conflicts of laws.

Andrew has been recognised by the legal directories as a "*Rising Star*" of civil fraud litigation since 2022. He has published numerous articles about the subject and is a regular speaker at events.

He has acted in several of the most complex and high-profile cross-border fraud cases of recent years, including three which appeared in *The Lawyer's* annual "Top 20 cases". He also has a wealth of experience acting on smaller matters across the spectrum of civil fraud and commercial litigation.

Andrew prides himself on being a team-player who goes the extra mile for his clients. As well as being a "*top drawer*" and "*very knowledgeable*" technical lawyer, he has the ability to see litigation from the perspectives of solicitors and clients, having spent several years of his career working in-house in top City litigation practices.

Andrew's hobbies include sport, playing and composing piano music, and civil fraud litigation

Legal Services

Civil Fraud

Notable Civil Fraud cases

Search order case

Andrew acts for Pinsent Masons LLP as the supervising solicitor for search orders granted in a complex £18m fraud case arising from the collapse of an insurance company.

Section 423 claim

Acting for the defendants to a claim under section 423 of the Insolvency Act 1986 arising out of a judgment in a c. £13m tax fraud case.

Claim involving alleged inflation of contract prices

Acting for the former directors of a company who are accused of fraudulently diverting company funds via secretly arranged contracts with their companies at inflated rates.

Forgery / Conspiracy case

Advising a client on his response to allegations that he participated in a conspiracy to forge evidence for use in employment tribunal proceedings and High Court litigation. The case is currently at the pre-action stage.

Miranda Investments Ltd & Ors v Abraham Dodi & Ors

Acting for defendants to a real estate development claim involving allegations of mismanagement and misappropriation.

Skatteforvaltningen v Solo Capital Partners LLP & Ors.

Andrew acts for the Danish tax authority in a c.\$1.5 billion claim against c.90 defendants. The case relates to fraudulent applications for refunds of dividend withholding tax and has been described by the trial judge as "one of the most complex pieces of litigation in British history". Related civil and criminal proceedings are ongoing in the US, Malaysia, onshore Dubai, the DIFC, Denmark and Germany. There have been two trials of preliminary issues, including one relating to the 'revenue rule' which was recently decided in SKAT's favour by the Supreme Court. The main trial began in April 2024 and is scheduled to conclude in April 2025. The case is in The Lawyer's Top 20 cases of 2024, having previously appeared in its list for 2021.

JSC Commercial Bank Privatbank v Kolomoisky & Ors.

Andrew acts for the corporate defendants in a c.\$1.9 billion misappropriation claim brought by a state-owned Ukrainian bank against its former owners (Igor Kolomoisky and Gennadiy Bogolyubov) and six companies. The defendants succeeded in a jurisdiction challenge in 2018 but this decision was reversed by the Court of Appeal in 2019. The trial took place between June and November 2023. The case was included in The Lawyer's Top 20 Cases of 2022.

Cryptocurrency fraud

Acting for a cryptocurrency exchange in relation to contested allegations that it received the proceeds of a major fraud (valued at c. GBP 6 million).

Secret commissions case

Acted in 2023/24 for the claimant on an NPO application in Singapore. Disclosure was obtained to assist a worldwide asset recovery effort arising out of payments of GBP millions of secret commissions by a former employee and suspected sales of confidential information to competitors. The case also involved related criminal proceedings in the Netherlands.

Confidential securities fraud action

Acted for the claimant in 2022/23 in a £multi-million securities fraud claim under FSMA s.90A. The claim was resolved at the pre-action stage.

Disclosure in relation to a counterfeiting operation

Acted for a US-based electronic cigarette company on disclosure applications aimed at identifying the manufacturers and distributors of harmful counterfeit versions of its product.

Acting on assigned fraud claims in an insolvency context

Acted for a claimant in a £multi-million shareholder dispute on fraud claims which were assigned during a liquidation process.

Investors in Cattles plc v Blake & Ors

Acted for a defendant to a c.£30m claim brought by investors in a subprime lender regarding misrepresentations in a rights issue prospectus. The case was due to become the first authority on FSMA s.90 until it settled shortly before trial.

National Bank Trust v Yurov & Ors

Acted for a defendant to a c.\$830m claim brought by a Russian bank arising out of a loan recycling scheme. The claim was included in The Lawyer's Top 20 Cases of 2017.

Shareholder dispute involving allegations of forgery and email collusion

Andrew acted for a shareholder in a dispute involving allegations of another shareholder's email forgery and collusion with company administrators in connection with an auction of the company following a pre-pack.

Banking & Financial Services

Notable Banking & Financial Services cases

JSC Commercial Bank Privatbank v Kolomoisky & Ors

Andrew acts for the corporate defendants in a c.\$1.9 billion misappropriation claim brought by a state-owned Ukrainian bank against its former owners (Igor Kolomoisky and Gennadiy Bogolyubov) and six companies. The defendants succeeded in a jurisdiction challenge in 2018 but this decision was reversed by the Court of Appeal in 2019. The trial took place between June and November 2023 and judgment is awaited. The case was included in The Lawyer's Top 20 Cases of 2022.

Acted for a bank as secured creditor

Acted in 2023 for a bank which sought to collect a debt from a corporate group by enforcing its security rights and appointing administrators to the group. The main shareholder of the group responded by making numerous serious allegations against the bank and by threatening retaliatory action.

Strike-out of a £300m claim

Acted for a bank and several of its employees who were the subject of a spurious £300m Part 8 claim brought in the County Court by a disgruntled former customer. Andrew's team obtained orders striking out the claim and requiring the claimant to pay the bank's costs on the indemnity basis, along with a general civil restraint order which prohibited the claimant from making any further claims against anyone without first obtaining the court's permission.

Aldermore Bank plc v Lynch

The bank was found at first instance to have forged a personal guarantee. Andrew did not act at first instance but he was part of a team which was instructed to pursue the appeal, which succeeded in December 2022.

Insolvency and Trusts

Notable Insolvency and Trusts cases

Insolvency Act claims

Acting for a trustee in bankruptcy in relation to cross-border claims of transactions at an undervalue and transactions to defraud creditors.

Acting in bankruptcy matters

Andrew regularly appears in bankruptcy proceedings for a range of clients.

Administration of the Carlauren Group

Andrew acted for a large group of investors in relation to their investments in an alleged c.£80m Ponzi scheme. His clients' application to appoint administrators to the group was successful. The case made front-page news in 2024 following a raid by the SFO.

Confidential insolvency matter

Advising the liquidators of a corporate group on the appropriate strategy for an ongoing high-profile insolvency involving political sensitivities and cross-border recovery issues.

Acted for a bank as secured creditor

Acted in 2023 for a bank which sought to collect a debt from a corporate group by enforcing its security rights and appointing administrators to the group. The main shareholder of the group had responded by making numerous serious allegations against the bank and by threatening retaliatory action.

Acting on assigned fraud claims in an insolvency context

Acted for a claimant in a £multi-million shareholder dispute on fraud claims which were assigned during a liquidation process.

Shareholder dispute involving allegations of forgery and email collusion

Andrew acted for a shareholder in a dispute involving allegations of another shareholder's email forgery and collusion with company administrators in connection with an auction of the company following a pre-pack.

'Trustbusting' claim in Nevis

Acted in the 'trustbusting' of a Nevis trust with assets totalling c.US\$200m (proceedings held in camera).

Advising a trust company

In 2022 Andrew advised a trust company on the termination of its relationships with various customers following the imposition of sanctions.

Other

- Professional negligence claims against a company's former accountants for failing to detect and prevent thefts by its former bookkeeper.
- Acted for an international transport company in a c. €23m banking dispute.
- An arbitration between two pharmaceutical companies involving alleged breaches of warranty in an asset purchase agreement.
- A c. \$32m confidentiality dispute between two private equity firms.
- Acted for a Saudi oil company in fraud claims arising out of a failed joint venture for the construction of oil rigs.
- Acted on applications relating to the Yukos Oil global litigation.

Publications

- "Is it time to amend the tort gateway?", New Law Journal, 4 March 2022
- "De-risking causes of action", STEP Magazine, 1st Issue of 202
- Numerous articles on the Out-Law website

Memberships

- Commercial Bar Association
- Commercial Fraud Lawyers Association
- Thought Leaders 4 FIRE (Fraud, Insolvency, Recovery, Enforcement)
- STEP (Society of Trust and Estate Practitioners)

Education

- City University (Graduate Diploma of Law, Outstanding)
- University of Oxford (Classics, Double First)

Awards

- Scholar of the University of Oxford
- Four scholarships with Lincoln's Inn (Lord Denning, Lord Eldon, Hardwicke, Shelford)

Privacy Notice

[Click here](#) to view Andrew Barns-Graham's Privacy Notice