Robert Amey

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Robert specialises in business and finance law, with a particular emphasis on insolvency/restructuring, banking law, company law and general commercial litigation. He is ranked as a Leading Junior by Legal 500 in three different practice areas: Insolvency, Civil Fraud and Offshore Commercial Litigation. He is also ranked by Chambers & Partners (in both the UK Bar and Global editions) for Restructuring/Insolvency and Civil Fraud.

The core of Robert's practice is insolvency/restructuring work, particularly in relation to banks and other large corporates. Robert enjoys both the highly technical nature of this work, and the challenging factual disputes which often arise, involving allegations of fraud or breach of duty against company directors and professional service providers. He also accepts instructions in relation to high-value bankruptcies.

Robert has also appeared in a number of high-value commercial trials and arbitrations outside of the insolvency context, most notably the 4-month trial of *Primeo v HSBC*, a US$2 billion claim which involved the cross-examination of 28 witnesses. Robert is equally comfortable with appellate advocacy, having appeared numerous times (both led and on his own) in the Court of Appeal and other appellate tribunals.

Although he predominantly practises in England, Robert has also been admitted to practise in the Cayman Islands, British Virgin Islands and the Dubai International Financial Centre, and around half of his clients are based outside the UK.

Insolvency and Restructuring

Insolvency and restructuring (both contentious and non-contentious) form the core of Robert's practice, and he is ranked as a Leading Junior in this area by Legal 500 and Chambers & Partners. Having strong technical expertise in this field, he has written for some of the leading textbooks and journals (see the 'Publications' section below for more details). Many of the matters on which Robert has advised are confidential, but public matters include:

Schemes of arrangement and Restructuring Plans

- ***Fitness First*** [2023] EWHC 1699 (Ch)**,** acting for a consortium of opposing creditors at the 3-day trial of a contentious restructuring plan for a well-known gym chain.
- ***EPC United Kingdom***, acting for the company on a members' scheme of arrangement giving rise to complex questions of law at both the convening ([2023] EWHC 550 (Ch)) and sanction ([2023] EWHC 906 (Ch)) stage.
- ***Re an Oil and Gas Group***, acting for the opposing creditor at the 3-day trial of a scheme of arrangement aimed at compromising debts of $600 million (court file sealed for commercial sensitivity).
- ***Re an Offshore Investment Fund***, acting for the company on a scheme of arrangement aimed at settling a dispute between redemption creditors and continuing members.

- ***Adler*** [2024] EWCA Civ 24, advising a consortium of stakeholders in respect of the first restructuring plan to reach the Court of Appeal.
- ***McDermott***, advising an interested party in respect of a 6-day trial of a heavily contested restructuring plan.

Banking and financial sector insolvency

- ***Abraaj Group,*** the world's largest insolvent private equity firm.
- ***MF Global,*** insolvency of a major global financial derivatives broker.
- ***Bank of Cyprus***, effect of a foreign scheme of arrangement on English proceedings.
- ***Lehman Brothers Europe,*** investment bank administration.
- ***South Tyneside Credit Union,*** administration proceedings under the Co-operative and Community Benefit Societies and Credit Unions Order 2014.
- ***Lehman Brothers International : "Waterfall II"*** [2017] BCC 759 (CA), distribution of the £8 billion surplus in the LBIE estate. Robert also appeared in a number of other hearings on the Waterfall II application, including those reported at [2018] EWHC 924 (Ch) (costs of an officeholder's application for directions), [2017] 2 All ER (Comm) 275 ('cost of funding' under the ISDA Master Agreement), [2017] BCC 1 (currency conversion claims) and [2016] BCC 239 (statutory interest).
- ***Landsbanki,*** Icelandic bank insolvency.
- ***Cyprus Popular Bank,*** Cypriot bank in special administration, effect of the Credit Institutions Directive.
- ***Rafidain Bank,*** winding up proceedings in respect of an Iraqi bank commenced by the Bank of England pursuant to its regulatory function.
- ***Banco Santos***, Brazilian bank insolvency involving allegations of money-laundering.
- ***Bankas Snoras***, Lithuanian bank insolvency following widespread fraud.
- ***Primeo Fund,*** Madoff feeder fund insolvency.
- ***Kingate Fund,*** Madoff feeder fund insolvency.
- ***Saad Investments,*** insolvency of a complex offshore investment vehicle.
- ***MBI Clifton Moor Ltd*** [2020] EWHC 1835 (Ch), failed investment scheme.

Cross-border insolvency

- ***Mirror Trading International***, South African cryptocurrency trading platform operating a £1.7 billion Ponzi scheme
- ***XiO Fund,*** common law recognition of a Hong Kong receivership.
- ***New World Resources***, international mining conglomerate.
- ***ApoBank v Reich***, challenge to English bankruptcy proceedings on grounds of illusory COMI-shift/forum-shopping.
- ***Videology*** [2019] BCC 195, relief granted under art.21(1)(g) of the UNCITRAL Model Law in support of US Chapter 11 restructuring, despite the company's COMI being in the United Kingdom and there being no UK insolvency proceedings afoot.
- ***STX Offshore & Shipbuilding*** [2017] BPIR 203**,** effect of Korean rehabilitation proceedings on pending English Commercial Court litigation

- ***MacRae v KPMG*** [2017] Bus LR 726, successful application under Art.21(1)(d) of the UNCITRAL Model Law.
- ***Finanzamt Braunschweig* v *Riemann***, challenge to English bankruptcy proceedings on grounds of illusory COMI-shift/forum-shopping.

High-value restructuring

- ***Republic of Ukraine***, restructuring $18 billion of sovereign debt.
- Advising the parties to a £700 million property purchase on the waterfall provisions in a suite of transaction documents.
- Advising the parties to a $70 million securitisation transaction.

Other matters

- ***Bulb Energy***, one of the UK's largest energy providers, and the first energy supply company to enter the special administration regime.
- ***Re Angelic Interiors*** [2022] EWHC 2974 (Ch), dispute between main administrators and conflict administrators.
- ***Re Mobigo*** [2022] EWHC 1349 (Ch), liquidation of an OFCOM-regulated entity.
- ***Re Fortuna Fix*** [2020] EWHC 2369 (Ch), dispute between the investors and administrators of an investment vehicle
- ***Re Telnic*** [2020] BPIR 1517 and [2020] BPIR 1507, interplay between arbitration and winding up proceedings.
- ***Re Gertner*** [2020] BPIR 752 and [2019] BPIR 1327, acting for a creditor owed £800 million at the three-day trial of a bankruptcy petition, and on two subsequent appeals.
- ***Notts County Football Club,*** restructuring the world's oldest professional football club.
- ***GP Cars (Herts) Ltd*** [2019] BPIR 789, acted for the successful appellant in a case concerning the costs of s.236 proceedings.
- ***Force India Formula One Team*** [2018] EWHC 3852 (Ch), high-profile administration application in respect of a Formula 1 racing team.
- ***Palmer & Harvey***, administration of the UK's largest grocery wholesaler.
- ***BHS***, insolvency of the well-known department store chain.
- ***Eversmart Energy,*** insolvency of a retail electricity supplier.
- ***Bell Pottinger***, high-profile collapse of a well-known PR firm.

Banking and Finance

Robert's expertise in banking insolvency has given him extensive knowledge of technical banking and financial issues, which he also applies outside the insolvency context. He is familiar with a wide range of lending structures, securitisation programmes, dematerialised securities, derivatives and collective investment schemes. He is also a contributor to a major banking law textbook, *Rowlatt on Principal and Surety.* Many of the matters on which Robert has advised are confidential, but public matters include:

- ***Primeo* v *HSBC*** [2022] 1 All E.R. (Comm) 1219 and [2024] AC 727, $2 billion claim for breach of duty against a fund administrator and custodian.
- ***CFL Finance Ltd v Bass*** [2020] EWHC 1241 (Ch), application of the Consumer Credit Act to an alleged £11-million debt.
- ***Bankas Snoras* v *Antonov*** [2018] 1 CLC 834, acting as sole counsel for the claimant bank on a €492 million claim, which alleged that a complex series of financial transactions had been used as a cloak for a fraud.
- ***LBI v Rabobank***, €70 million claim regarding close-out under the ISDA Master Agreement.
- ***BNY Mellon Corporate Trustee v Taberna Europe CDO,*** alleged events of default under a €2 billion securitisation structure.
- ***Lomas v Burlington Loan Management*** [2017] Bus LR 1475, meaning of 'cost of funding' in the 1992 and 2002 ISDA Master Agreements.
- ***VR Global* v *Exotix*** [2017] EWHC 2620 (Comm), acted for the successful claimant in a dispute concerning the unwind provisions in a $10 million LMA Trade.
- Advising a retail banking customer on the alleged mis-selling of an interest rate swap.

Commercial Litigation and Arbitration

In addition to his experience in specialist banking and fraud litigation, Robert's general commercial litigation and arbitration practice includes the following:

- ***A Tech Startup v A Software Engineering Firm***, acting as sole counsel in an LCIA arbitration where the claims and counterclaims exceeded £6 million.
- ***Ghai v Chahal*** [2020] EWHC 2319 (Ch), acted as sole counsel for the successful claimants at the 3-day trial of a claim for specific performance of a shareholder's agreement.
- ***Bankas Snoras* v *Antonov*** [2018] 1 CLC 834, [2020] EWHC 3515 (Comm) and [2020] EWHC 3514 (Comm), acting as sole counsel on a €492 million claim under Lithuanian law.
- ***Primeo v Bank of Bermuda*** [2022] 1 All E.R. (Comm) 1219 and [2024] AC 727**,** appeared as junior counsel at the four-month trial of a $2 billion breach of contract claim, and on the subsequent appeals.
- ***Gerald Metals SA* v *Ardila Investments NV,*** $220 million dispute between two international mining groups.
- ***Bankas Snoras* v *Yampolskaya*** [2015] EWHC 2136 (QB), sole counsel on a £10 million fraud claim.
- ***An Arms Manufacturer* v *A Sovereign State***, ICC arbitration.
- ***A* v *B,*** anti-arbitration injunction.

Company

Robert's corporate insolvency practice routinely involves dealing with difficult questions of company law and directors' duties, and he is a contributor to two leading textbooks on the subject, *Gore-*

Browne on Companies and *Mortimore on Company Directors.* His experience includes the following:

- ***EPC United Kingdom Ltd*** members' scheme of arrangement giving rise to complex questions of law at both the convening ([2023] EWHC 550 (Ch)) and sanction ([2023] EWHC 906 (Ch)) stage.
- ***Hamilton v Mcateer*** [2022] EWHC 1349 (Ch), acting for the defendant directors on a substantial breach of duty claim.
- ***Primeo* v *HSBC*** [2022] 1 All E.R. (Comm) 1219 and [2024] AC 727, a leading authority on the rule against recovery of reflective loss (Robert appeared for the successful appellants)
- ***Re Bolbec Hall Limited*** [2020] EWHC 2319 (Ch), acted for the successful claimants at the 3-day trial of a shareholder dispute.
- ***Bankas Snoras* v *Antonov*** [2018] 1 CLC 834, [2020] EWHC 3515 (Comm) and [2020] EWHC 3514 (Comm), acting as sole counsel on a €492 million claim by a bank against its former directors for breach of duty.
- ***Secretary of State v A Director***, advising a company director facing disqualification proceedings.
- ***Primeo* v *Herald***, redemption of shares and rectification of the register in respect of an investment fund.
- ***Primeo v Fielding,*** US$500 million claim by an investment fund against a former director for breach of duty.
- ***A v B,*** unfair prejudice petition.
- Acting for a company director accused of receiving bribes from suppliers over a 15-year period.
- Successfully resisting an injunction on very short notice against former directors accused of competing against their old company.
- Advising directors and shareholders on a wide range of corporate matters.

Civil Fraud and Asset Recovery

Robert's insolvency practice regularly involves allegations of fraud and serious wrongdoing, and he has extensive experience of the use of freezing orders, Norwich Pharmacal Orders and Bankers Trust Orders to secure and recover assets. He is ranked as a Leading Junior in this area by Legal 500. Cases include:

- ***Mirror Trading International***, South African cryptocurrency trading platform operating a £1.7 billion Ponzi scheme.
- ***Docile Bright Investments*** [2022] ECSCJ 272**,** alleged $50 million asset-stripping.
- ***Abraaj Group,*** the world's largest insolvent private equity firm (with assets of over $13 billion) which collapsed due to alleged fraud.
- ***NMC Healthcare,*** alleged £1 billion fraud in respect of a FTSE-100 company.
- ***German Property Group,*** alleged €1.5 billion Ponzi scheme.
- ***Gordian Holdings Ltd v Sofroniou*** [2021] EWHC 235 (Comm), action to reverse alleged fraudulent transactions.
- ***Ghai v Chahal*** [2020] EWHC 2319 (Ch), acted for the successful claimants at the 3-day trial of

a fraud claim.

- ***Bankas Snoras* v *Antonov*** [2018] 1 CLC 834, [2020] EWHC 3515 (Comm) and [2020] EWHC 3514 (Comm), acting as sole counsel on a €492 million fraud claim.
- ***Palmer v Tsai***, £42 million fraud carried out by a dishonest director.
- Acting for victims of the Madoff Ponzi scheme.
- Acting for a company director accused of receiving bribes from suppliers over a 15-year period.
- Advising the defendant to a claim for dishonest assistance.
- Advising an elderly, high net worth individual who had been coerced into transferring property to a relative.
- Advising a City law firm on its obligations under the Money Laundering Regulations.

Offshore

Robert has been admitted to the Bar of the Cayman Islands, the British Virgin Islands and the DIFC, and a substantial part of his practice involves advising clients and appearing in court overseas. He is ranked as a Leading Junior (Band 1) in this area by Legal 500, and has worked on disputes under the laws of the Bahamas, Bermuda, BVI, Canada, Cayman, Cyprus, Dubai, Germany, Gibraltar, Guernsey, Hong Kong, Ireland, Jersey, Lithuania, Luxembourg, Palestine, Samoa, Saudi Arabia, Switzerland, Trinidad & Tobago, Ukraine and the USA. Recent cases include:

- Appearing as sole counsel in the Eastern Caribbean Supreme Court for the defendant to a US$50 million fraudulent transaction claim.
- Appearing (as sole counsel at interlocutory hearings and junior counsel at trial and the subsequent appeals) for a Cayman investment fund in a four-month commercial trial before the Cayman Grand Court, the subsequent two-week appeal before the Cayman Islands Court of Appeal, and the 5-day second appeal in the Privy Council.
- Appearing as sole counsel on various matters before the courts of the Dubai International Financial Centre.
- Appearing for the dissenting creditor in opposition to a scheme of arrangement under the BVI Business Companies Act.
- Advising the liquidators of a BVI investment fund on issues of BVI law.
- Advising a company on issues of Bahamian law.
- Advising the trustees of a family settlement in relation to major litigation proceeding simultaneously in London, the BVI and Guernsey.
- Advising a prominent African politician facing corruption allegations in the Jersey Royal Court.
- Advising various trustees on applications for *Beddoe* relief to the Jersey Royal Court.
- Producing expert evidence on English law for use in foreign courts.

Insurance

- Advising an insurer on the status of funds held by an intermediary under CASS 5.

- Advising an insurer on its obligations under the Third Parties (Rights against Insurers) Act 2010.
- Advising a tort victim on its rights under the Third Parties (Rights against Insurers) Act 2010.

Sport

- ***Hitech v Ahmed***, dispute between a Formula 3 driver and his team.
- Advising a European champion athlete following her deselection from the national squad prior to the Rio Olympics.
- ***Bacheta v Greaves Motorsport***, dispute between a Formula 2 champion and his team.
- ***Quantum v Heatherwold Stud***, racehorse ownership dispute.
- Advising various professional football clubs on a range of matters, including the Home Grown Player Rule, sporting sanctions and FA Rule K arbitrations.

Pro Bono

Robert appeared as sole counsel in the Court of Appeal in ***Agbenowossi-Koffi* v *Donvand Ltd*** [2014] EWCA Civ 855; and in the EAT for the successful appellant in ***Simpson* v *Hackney LBC*** [2013] All ER (D) 168 (Feb), an equal pay claim against a local authority. Other pro bono clients include victims of wrongful arrest, unlawful discrimination and human trafficking. Robert also volunteers as a governor at a local community school.

Career

2022	Called to the Bar of the British Virgin Islands
2020	Granted rights of audience before the Courts of the DIFC
2016	Limited admission to the Bar of the Cayman Islands
2013	Judicial assistant to Advocate General Sharpston, European Court of Justice
2012	Called to the Bar of England and Wales
2011-2012	Bar Professional Training Course
2010-2011	Associate, Deloitte LLP

Publications

- Chapter 62 in *Gore-Browne on Companies* (loose-leaf, LexisNexis)
- Chapters A5 and A6 in *Montgomery and Ormerod on Fraud: Criminal Law and Procedure* (loose-leaf, OUP)

- Chapter 19 in *Jackson's Matrimonial Finance* (10th edition, LexisNexis)
- Chapters 9, 10 and 19 in *Rowlatt on Principal and Surety* (7th edition, Sweet & Maxwell)
- Chapters 31 and 32 in *Mortimore, Company Directors* (3rd and 4th editions, OUP)
- Contributor to *Moss Fletcher and Isaacs, The EC Regulation on Insolvency Proceedings* (3rd edition, OUP)
- Contributor to *Moss and Wessels, EU Banking and Insurance Insolvency* (2nd edition, OUP)
- Contributor to *International Corporate Rescue*
- Contributor to *Insolvency Intelligence*
- Contributor to *From Counsel*
- Contributor to *LexisPSL*
- Contributor to *Tolley's Insolvency Law*
- Contributor to *Journal of International Banking and Financial Law*

Lectures and Seminars

Asset and liability partitioning in trusts (assisting Professor Lionel Smith, part of the Advanced Private Law course on the Cambridge University LLM)

Cross-border assistance after Singularis (Association of Restructuring and Insolvency Experts seminar)

Recent developments in the law of privilege (law firm training seminar)

Litigating under the LMA Standard Terms and Conditions (law firm training seminar)

Shareholders' rights in common law jurisdictions (colloquium at Trinity College, Dublin)

Education and Qualifications

Christ Church, Oxford, MA Jurisprudence (English law and French law)
Université Paris II, Certificat supérieur de droit français et européen

Prizes and Scholarships

Winner, Sir Louis Gluckstein Advocacy Prize 2012
Winner, *The Times* Advocacy Competition 2010
Lord Denning Scholarship (Lincoln's Inn)
Sir Jean-Pierre Warner Scholarship (Lincoln's Inn)
Sunley Scholarship (Lincoln's Inn)

Hardwicke Award (Lincoln’s Inn)
Essay prizes awarded by the Bar Council and the Financial Services Lawyers’ Association

Languages

French (fluent)