



## Simon Hattan

Year of Call: 1999

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### Overview

Simon has a broad general commercial and chancery practice, with particular experience of litigation involving civil fraud and breach of fiduciary duty, banking and finance disputes, regulatory and disciplinary proceedings (in particular those related to financial services) and trusts litigation. He is regularly instructed in significant cases in these areas and is comfortable either as sole counsel or as part of team. Most recently he was part of the team acting for the Defendants in the RBS Rights Issue litigation in the Chancery Division.

Simon has been recommended for a number of years in Chambers UK as a leading junior in the fields of Civil Fraud, Banking and Finance, Commercial Chancery and Financial Services and in Legal 500 for Commercial Litigation, Civil Fraud and Banking and Finance.

### Areas of expertise

- Commercial and Chancery Litigation
- Civil Fraud
- Banking Disputes
- Financial Services
- Trusts and Probate
- Partnership and LLP
- Company

### Recommendations

Chambers Global 2018  
Dispute Resolution: Commercial  
Dispute Resolution: Commercial Chancery

Chambers Global 2017  
Banking and Finance  
Chancery: Commercial  
Financial Services  
Fraud: Civil

Chambers UK Bar 2018  
Banking and Finance  
Chancery: Commercial  
Commercial Litigation  
Financial Services  
Fraud: Civil

Legal 500 2017  
Banking and Finance  
Commercial litigation  
Financial services  
Fraud: Civil

Legal 500 2016  
Named one of the Top 10 Stars of the Junior Commercial/Chancery Bar by Legal Week, Oct 2009

## Quotes

"a great advocate"  
"especially good at cases involving allegations of dishonesty and breach of fiduciary duty"  
"his expertise belies his year of call"  
"immerses himself in the litigation, working as a true team player"  
"calm, assured and unerringly right"  
"familiarity with the FSA's approach and sensible but robust conduct of financial services disputes"  
"capable of dealing briskly and efficiently with large volumes of information"  
"clever, good at financial detail"  
"a robust adviser who doesn't sit on the fence"  
"young star in the making"  
"enjoys the difficult cases whether appearing for claimant or defendant, especially when it demands novel thinking"  
"a man of excellent judgement, he recognises the arguments that are likely to resonate with the judge"  
"just the kind of counsel you dread seeing on the other side"  
"extremely hard working approach - he inspires a lot of confidence"

## Commercial and Chancery Litigation

*'A tremendously robust, hardworking and irrepressibly committed senior junior.'* Legal 500 2017.

*RBS Rights Issue litigation* (settled Summer 2017) – acting for RBS and the other Defendants in claims arising out of the £12 billion rights issue undertaken by RBS in 2008.

*Alhamrani v Alhamrani* (2013 & 2014) – acting for the Claimant in successful appeals before the Eastern Caribbean Court of Appeal and the Privy Council.

*Alhamrani v Alhamrani* (2012) - seven week trial in the BVI Commercial Court concerning the ownership of BVI registered company.

*Alhamrani v Alhamrani* (2008/2009): US\$120 million claim for breach of trust and breach of fiduciary duty in the context of two large Jersey trusts. Settled in August 2009 after 8 months in trial.

*Royal Bank of Scotland v Winterthur* (2008): Claim for breach of warranty and fraudulent misrepresentation arising out of the sale of Churchill Insurance. Settled during trial in 2008.

*Financial Services Authority v Legal & General* (2004): Financial Services and Markets Tribunal proceedings relating to the mis-sale of mortgage endowment policies. Culminated in six week trial before the Tribunal in October 2004.

*ABTA v Nardi* (2004): Litigation relating to the proceeds of an alleged fraud on ABTA by its former head of legal affairs.

*Westminster City Council v Dame Shirley Porter* (2004): instructed on behalf of the beneficiaries of a number of family trusts in proceedings in which it was alleged that the trusts were shams and/or that they were established with the intention of defrauding creditors.

*Safe Harbor v Lloyds Bank and others* (2003): Acted for two US investment companies in ancillary proceedings in England for the purpose of locating and freezing assets misappropriated in an international investment fraud.

*Phillips and Others v Symes* [2003] EWCA Civ 1769: Appeal relating to evidence admissible on application for committal for contempt and recusal for the appearance of bias.

## Civil Fraud

*"Pragmatic, experienced and brilliant."* *"His written advocacy is absolutely superb."* Chambers UK Bar 2018.

*'He has a particularly good sense of what the right answer is, both legally and commercially.'* Legal 500 2017.

*ABTA v Nardi* (2004): Litigation relating to the proceeds of an alleged fraud on ABTA by its former head of legal affairs.

*Westminster City Council v Dame Shirley Porter* (2004): instructed on behalf of the beneficiaries of a number of family trusts in proceedings in which it was alleged that the trusts were shams and/or that they were established with the intention of defrauding creditors.

*Safe Harbor v Lloyds Bank and others* (2003): Acted for two US investment companies in ancillary proceedings in England for the purpose of locating and freezing assets misappropriated in an international investment fraud.

## Banking Disputes

*'He has a "never-say-die" attitude and must be knocking on the door of silk.'* Legal 500 2018.

*RBS Rights Issue litigation* (settled Summer 2017) – acting for RBS and the other Defendants in claims arising out of the £12 billion rights issue undertaken by RBS in 2008.

*Royal Bank of Scotland v Winterthur* (2008): Claim for breach of warranty and fraudulent misrepresentation arising out of the sale of Churchill Insurance. Settled during trial in 2008.

*Charter plc v City Index* (2005/06) with Alan Boyle QC: Claim in knowing receipt in relation to fraud carried out

by company employee. Settled on the first day of trial.

*Financial Services Authority v Legal & General* (2004): Financial Services and Markets Tribunal proceedings relating to the mis-sale of mortgage endowment policies. Culminated in a six week trial before the Tribunal in October 2004.

*Safe Harbor v Lloyds Bank and others* (2003): Acted for two US investment companies in ancillary proceedings in England for the purpose of locating and freezing assets misappropriated in an international investment fraud.

*Financial Services Authority v Credit Suisse First Boston International* (2002): disciplinary proceedings against Credit Suisse First Boston International associated disciplinary proceedings against two members of the firm's management.

## Financial Services

'With him on the case you know nothing will be missed.' Legal 500 2018.

*Madoff Fraud* (2014-2016): Acted in multi-jurisdictional proceedings arising out of the Madoff fraud.

*Royal Bank of Scotland v Winterthur* (2008): Claim for breach of warranty and fraudulent misrepresentation arising out of the sale of Churchill Insurance. Settled during trial in 2008.

*Financial Services Authority v Legal & General* (2004): Financial Services and Markets Tribunal proceedings relating to the mis-sale of mortgage endowment policies. Culminated in six week trial before the Tribunal in October 2004.

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## Trusts and Probate

*Alhamrani v Alhamrani* (2012) - seven week trial in the BVI Commercial Court concerning the ownership of BVI registered company.

*Alhamrani v Alhamrani* (2008/2009): US\$120 million claim for breach of trust and breach of fiduciary duty in the context of two large Jersey trusts. Settled in August 2009 after 8 months in trial.

*Westminster City Council v Dame Shirley Porter* (2004): instructed on behalf of the beneficiaries of a number of family trusts in proceedings in which it was alleged that the trusts were shams and/or that they were established with the intention of defrauding creditors.

## Qualifications

BSc, Dip Law (Distinction), City University

Winner - Inns of Court Mooting Competition 1998

Benefactor's Scholarship - Middle Temple

## Memberships

Chancery Bar Association

Commercial Bar Association

Commercial Fraud Lawyers Association

Financial Services Lawyers Association

## Other Professional Experience

August 2000 - April 2011: Financial Services Authority

Seconded to the Enforcement Division of the FSA, acting as Counsel in the conduct of a wide variety of regulatory disciplinary matters. Involved in FSA's preparations for the coming into force of the Financial Services and Markets Act 2000.

August 1989 - July 1997 - West Merchant Bank Limited and HSBC Markets Limited

Assistant Director. Advising asset and liability managers within UK and selected overseas companies on risk management techniques and fund raising in the international capital markets.