

Justin Higgo KC

Year of Silk: 2020 Year of Call: 1995

"An outstanding, brilliant lawyer - very much a team player. He is extremely collaborative, and not easily intimidated by problems"

Chambers & Partners

jhiggo@serlecourt.co.uk clerks@serlecourt.co.uk



Practice Overview

Justin Higgo KC has a broad commercial chancery practice with substantial expertise in litigating and arbitrating domestic and international commercial fraud disputes. His recent practice has involved both large scale long running and high profile proceedings in conjunction with established leaders (Sovcomflot, the BTA Bank litigation, Aeroflot v Berezovsky), and smaller scale proceedings in which he is most often instructed on his own or as the lead barrister. His recent work has included acting for and advising major multinational firms, UK and Jersey companies and a number of individuals in a wide range of legal disputes encompassing international and domestic fraud, jurisdiction disputes, breach of trust (domestic and offshore), shareholder disputes, misuse of confidential information, breach of contract predominantly in the commercial context and in the art world. Justin has considerable offshore experience and has acted in disputes in many offshore jurisdictions, including Jersey, Guernsey and the Cayman Islands, where he has also appeared.

Areas of Expertise

Civil Fraud

Justin has extensive experience in litigating and advising on all aspects of commercial fraud, including the grant and maintenance of pre-emptive remedies. He has acted in numerous international cases involving jurisdictional and foreign law issues. Examples include:

CCE Limited -v- Corry & Ors instructed by Peters & Peters in bribery and misappropriation claims against a senior employee of a major multinational corporation alleged to have engaged in a ten year conspiracy with various commercial counterparties

Aeroflot -v- Forus Group [2013] EWCA Civ 784 [2013] 2 Lloyds Rep 242 jurisdictional challenge in proceedings to recover misappropriated overflight revenues

Aeroflot -v- Berezovsky & Ors [2012] EWHC 3017 (Ch) instructed by Pinsent Masons at first instance and in the Court of Appeal in proceedings to enforce a Russian judgment against the estate of the deceased oligarch

Bau Panel Systems -v- Broomfield: instructed by Hamlins LLP in proceedings for breach of fiduciary duty and misuse of confidential information relating to a joint venture in St Lucia

Picardy Limited -v- Patni: instructed by Peters & Peters in claims seeking to challenge enforceability of guarantees on grounds of undue influence and breach of fiduciary duty

Spencer-Churchill -v- Faggionato Fine Art Ltd & Ors instructed by Mischon de Reya in agency/secret commission claim relating to US\$6m sale of modern art painting by Basquiat

Secretary of State for Health -v- Anderson instructed by Finers Stephens Innocent for the former chief executive of the Commercial Directorate within the NHS in breach of fiduciary duty claims

JTA Bank -v- Ablyazov & Ors: instructed by Peters & Peters in various substantial proceedings in the Commercial Court alleging breaches of duty against former principal officers of leading Kazakh bank

Waterway Petroleum -v- Forsby Management (2012) instructed by Ince & Co in the Commercial Court in claim for delivery of oil in Latvia; application made for freezing injunction under s.44 of the Arbitration Act 1996 in support of ad hoc arbitration (with no convened panel)

Fiona Trust & Holding Company -v- Privalov & Ors: [2013] EWCA 275. Instructed by Ince & Co in very substantial

conspiracy, fraud and bribery proceedings arising out of the operations of the Russian state commercial shipping enterprise. Six month trial before Andrew Smith J in Commercial Court [2010] EWHC 3119 (Comm). Reported on various issues relating to remedies, account of profits, interest, costs, use of illegally obtained evidence, non-disclosure, freez8ing injunctions [2011] EWHC 715 (Comm); [2011] EWHC 664 (Comm); [2008] EWHC 1748 (Comm); [2007] EWHC 1217 (Comm); [2007] EWHC 39 (Comm); [2006] EWHC 758 (Comm).

Bonsanco Technologies -v- Tsvetkov: instructed by Peters & Peters in proceedings by Swiss nanotechnology company against former chief executive officer for breach of duty and failure to account.

Uddington Business Limited -v- Browne & Ors: instructed by Hamlins defending fraud and conspiracy proceedings brought against directors of property investment company

Ocean Trawlers -v- Ramus & Ors: instructed by FFW in \$7m claim against a former employee involved in misappropriating substantial volumes of frozen fish

Tarpon Engineering -v- Lloyds Bank: instructed by Peters & Peters in \$3m advanced fee fraud

Wahr-Hansen -v- Compass: [2007] CILR 55 substantial proceedings (\$250m +) in the Cayman Islands to recover assets misappropriated from the Estate of a Norwegian national and a charitable trust. Instructed by BAHR, Norway

Zakharov & Ors -v- White [2003] EWHC 2463 (Ch): instructed by Peters & Peters in action to recover assets misappropriated in various jurisdictions. Reported on jurisdiction of the High Court to issue bench warrant as a consequence of a failure to comply with a Passport Order

Trustee of the Estate of Diana Omar -v- Omar & Ors [2000] BCC 434: instructed by Farrer & Co in long running fraud and tracing claim to recover assets of Egyptian estate (bearer shares) held as nominee for deceased

Dooley -v- the Law Society: instructed by Farrer & Co in intervention in a solicitors practice as a consequence of alleged involvement in Bank Instrument fraud

Commercial Litigation

Commercial litigation and dispute resolution forms a substantial part of Justin's practice. He regularly appears in the Commercial Court. His recent practice includes various of the BTA Bank claims and continued involvement in the Fiona Trust litigation:

CCE Limited -v- Corry & Ors instructed by Peters & Peters in substantial bribery/breach of fiduciary duty claims against a senior employee of a major multinational corporation alleged to have engaged in a ten year conspiracy with various commercial counterparties

JTA Bank -v- Ablyazov & Ors: instructed by Peters & Peters in various substantial proceedings in the Commercial Court alleging breaches of duty against former principal officers of leading Kazakh bank

Waterway Petroleum -v- Forsby Management (2012) instructed by Ince & Co in the Commercial Court in claim for delivery of oil in Latvia; application made for freezing injunction under s.44 of the Arbitration Act 1996 in support of ad hoc arbitration (with no convened panel)

Fiona Trust & Holding Company -v- Privalov & Ors: [2013] EWCA 275. Instructed by Ince & Co in very substantial conspiracy, fraud and bribery proceedings arising out of the operations of the Russian state commercial shipping enterprise. Six month trial before Andrew Smith J in Commercial Court [2010] EWHC 3119 (Comm). Reported on various issues relating to remedies, account of profits, interest, costs, use of illegally obtained evidence, non-

disclosure, freezing injunctions [2011] EWHC 715 (Comm); [2011] EWHC 664 (Comm); [2008] EWHC 1748 (Comm); [2007] EWHC 1217 (Comm); [2007] EWHC 39 (Comm); [2006] EWHC 758 (Comm).

Lintec Trading & Ors -v- Caden Limited & Ors: instructed by Ince & Co in proceedings arising out of the separation of two shipping businesses

Bank of St Petersburg & Or -v- Arkhangelsky & Ors instructed by Baker & McKenzie in proceedings to recover under bank guarantees alleged to be forgeries. Reported at [2013] EWHC 3674(Ch) and [2013] EWHC 3259 (Ch) on application of section 2(2) of the Foreign Limitation Periods Act 1984

"India Steamship" -v- Trafigura Maritime Ventures & Ors instructed by Ince & Co for French Bank issuer of L/C in respect of cargo of oil expropriated from Southern Sudan by Northern Sudan

Aylwen -v- Taylor Joynson Garret [2002] PNLR 1 instructed by Barlow Lyde & Gilbert in proceedings for professional negligence against solicitors; reported on date for assessment of damages

Lulu-Briggs -v- Moni-Pulo: instructed by Olswangs in proceedings under s.25 of the CJJA to appoint a receiver over the London accounts of a Nigerian oil company ancillary to substantive fraud, duress and company law proceedings in Nigeria

Interros Oil -v- Kantupan: interim injunctions to prevent transfer of shares in Russian oil company in breach of preemption provisions in shareholders' agreement (Lord Neill KC and Justin Higgo)

Chisholm -v-The Football Association Premier League: breach of contract, contractual certainty.

Arbitration

Justin is regularly involved in arbitration proceedings and in Court applications related to arbitration proceedings. Recent cases include:

Aeroflot -v- Forus Group [2013] EWCA Civ 784 [2013] 2 Lloyds Rep 242 application of the correct legal tests under s.9 of the Arbitration Act 1996 in context of arbitration agreements in contracts governed by Swiss law.

M International -v- K Ltd and DG Ltd (2013) an ongoing LCIA reference in respect of share sale and management agreements relating to a Zimbabwean Gold Mine

IM -v- AM (2013) an ad hoc arbitration arising out of a disputed settlement agreement and raising issues on true interpretation of Heads of Terms

Waterway Petroleum -v- Forsby Management (2012) in the Commercial Court: application for freezing injunction under s.44 of the Arbitration Act 1996 in support of ad hoc arbitration (with no convened panel)

ILCL -v- N & M (2012) instructed by Peters & Peters in LCIA arbitration to enforce a contract between a BVI service provider and a Russian national

Fiona Trust & Holding Company -v- Privalov & Ors: LMAA arbitration clauses culminating in HL decision on competenz-competenz and scope of arbitrations clauses [2007] UKHL 40

Private Client Trusts and Probate

Justin has acted in and advised in relation to many offshore and domestic trust disputes. He regularly advises on traditional chancery disputes, including wills and probate, and cases involving the Court of Protection. Recent major cases include:

Re the Jack Walker Settlement instructed by Collas Crill in substantial proceedings for breach of trust in Jersey

Labrouche -v- Frey & Ors: instructed by Carter Perry Bailey in substantial proceedings in Chancery Division for breaches of trust arising out of an English Will trust. Acted in CA [2012] EWCA 881; [2012] 1 WLR 3160 on appeal for serious procedural irregularity

Church Street Trustees Limited -v- Capita Trustees Limited & Ors: instructed by Bedell Cristin in complex proceedings alleging breaches of a Jersey law trust

Re Nemni: instructed by Collas Crill in relation to jurisdiction to make claims against protector of Guernsey law trust

Wahr-Hansen -v- Compass: [2007] CILR 55 substantial proceedings (\$250m +) in the Cayman Islands to recover assets misappropriated from the Estate of a Norwegian national and a charitable trust. Instructed by BAHR, Norway

Re W deceased: action to set aside will for want of knowledge and approval in circumstances where testatrix altered will to appoint the draftsman both executor and residuary beneficiary

Re the X Trust: application for directions by trustee of English trust in relation to the validity of the exercise of a power of appointment and distribution of trust fund in circumstances of alleged forfeiture

Re Clough Taylor, Coutts & Co -v- Banks & Ors [2003] WTLR 15: Beddoe application by executor seeking directions on its duty to bring proceedings to recover a misappropriated specifically bequeathed asset

Banking and Financial Services

Justin regularly advises on domestic and international banking issues and has acted in a number of disputes, including the BTA bank litigation, relating to banking practice in Russia and former CIS countries. Recent cases include:

Bank of St Petersburg & Or -v- Arkhangelsky & Ors instructed by Baker & McKenzie in proceedings to recover under bank guarantees alleged to be forgeries. Reported at [2013] EWHC 3674(Ch) and [2013] EWHC 3259 (Ch) on application of section 2(2) of the Foreign Limitation Periods Act 1984

"India Steamship" -v- Trafigura Maritime Ventures & Ors instructed by Ince & Co for French Bank issuer of L/C in respect of cargo of oil expropriated from Southern Sudan by Northern Sudan

JTA Bank -v- Ablyazov & Ors: instructed by Peters & Peters in various substantial proceedings in the Commercial Court alleging breaches of duty against former principal officers of leading Kazakh bank

Re Jindal: instructed by Fladgate Fielder to advise on payments under a demand guarantee

Marchmont Limited -v- BFO SA [2007] EWCA Civ 677 instructed by Watson Farley Williams in account proceedings challenging a bank's entitlement to default interest under a loan. Reported at [2006] EWHC 1990

Redwood Master Fund -v- TD Bank Europe [2002] EWHC 2703 (Ch): instructed by White & Case in claim relating to the majority control provision in a syndicated loan facility

United Overseas Bank -v- Iwuanyanwu [2001] EWHC: instructed by Watson Farley & Williams. in claim that to recover substantial bank lending

Company

Shareholder disputes, claims against company directors and have been a regular feature of Justin's practice and he regularly advises on company law issues.

Westbrook Dolphin Square Ltd -v- Friends Provident: instructed by Maples Teasdale on corporate issues relative to proceedings for the collective enfranchisement of Dolphin Square

Lexi Holdings plc -v- Luqman & Ors: instructed by DLA Piper with Philip Marshall Q.C. in proceedings by company administrators against the former officers to recover assets which were misappropriated or transferred in breach of the Companies Act

Re Connaught Engineering: instructed by Barlow Lyde and Gilbert on dispute arising out of proposed sale of a company

Cora SA -v- Casino SA: French arbitral proceedings requiring expert evidence on creation of equitable interest in shares in a private English Company by rights of pre-emption.

Neptune -v- Fitzgerald ((No.2) [1995] BCC 1505: conduct of directors meetings

Chancery

International and Offshore

Recommendations

Chancery: Commercial Chambers & Partners

Commercial Dispute Resolution/Commercial Litigation Chambers & Partners, The Legal 500 and Chambers Global

Dispute Resolution (Commercial Chancery) and Dispute Resolution (Commercial) Chambers Global

Fraud: Civil Chambers & Partners, The Legal 500, Best Lawyers

Fraud/Asset Recovery Legal Experts

Quotes

"His written submissions are clear and chronological, and guide the judge to the issues at hand. At trial, Justin is both a persuasive and powerful advocate." (Chambers & Partners UK Bar, 2026)

- "Justin is a very creative advocate who is very responsive." (Chambers & Partners UK Bar, 2026)
- "Justin had the ear of the judge, and the clients really liked him. He's charming, very good at cross-examining, but also a bit of a scrapper who really fights his corner." (Chambers & Partners UK Bar, 2026)
- "Justin is very hands-on, prepared to get involved in the detail and very good on strategy." (Chambers & Partners UK Bar, 2026)
- "A problem-solver and a polished written advocate who is very creative, highly responsive and impressively client-friendly." (Chambers & Partners UK Bar, 2026)
- "Justin is accessible, really easy to work with and very good on his feet. He's got that nice balance of being really smart and incredibly eloquent." (Chambers & Partners UK Bar, 2026)
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- "He is prepared to get involved in the detail and is very good on strategy." (Chambers & Partners UK Bar, 2026)
- "Justin is smooth and persuasive. He is brilliant and his advocacy is really impressive." (Chambers & Partners UK Bar, 2025)
- "Justin is excellent. He is very responsive and very user-friendly." (Chambers & Partners UK Bar, 2025)
- "He is smooth and persuasive." (Chambers & Partners UK Bar, 2025)
- "Justin is frankly superb he is very effective." (Chambers & Partners UK Bar, 2025)
- "He is collaborative and good at tackling difficult issues." (Chambers & Partners UK Bar, 2025)
- "Justin is spectacularly user-friendly and a real team player. He is smart and flexible." (Chambers & Partners UK Bar, 2025)
- "He is hard-working, bright and a great team player." (Chambers & Partners UK Bar, 2025)
- "His advocacy is really impressive. He is smooth and persuasive." (Chambers & Partners UK Bar, 2025)
- "Justin gives sound, sensible advice and gets to the nub of the issues. He is very good at seeing the wood from the trees." (Chambers & Partners UK Bar, 2025)
- "Justin is very willing to get involved in the details of the case, giving him the ability to give legal advice in the context of the facts of the case. He is reliable, always available, and unrivalled in the field of trust litigation, particularly where it involves issues of company law." (The Legal 500, 2025)
- "He's got a really easy manner in court and is liked by judges." (Chambers & Partners UK Bar, 2024)
- "Justin is fierce, eloquent and incredibly persuasive." (Chambers & Partners UK Bar, 2024)
- "He is absolutely excellent, with a very broad ability to work across commercial and trust aspects in fraud cases." (Chambers & Partners UK Bar, 2024)
- "An excellent barrister, who is very straightforward in his advice and a strategic thinker. He also has very good client-facing skills as well." (Chambers & Partners UK Bar, 2023)

"Justin comes across incredibly well and is unflappable in court." (Chambers & Partners UK Bar, 2023)

"Justin has the power to assimilate masses of material, order it and distil it down to the core issues." (Chambers & Partners UK Bar, 2023)

"He is a level-headed, commercially astute barrister." "An outstanding, brilliant lawyer - very much a team player. He is extremely collaborative, and not easily intimidated by problems." (Chambers & Partners, 2020)

"He's proactive, very nice to work with and ready to fight his client's corner." (Chambers & Partners, 2020)

"He has the impressive power to assimilate masses of material, order it and distil it down to core issues. He's also a great communicator." (Chambers & Partners, 2020)

"Fabulously bright, hardworking and client friendly - top rate". (The Legal 500, 2020)

"He is tenacious, gets stuck in and provided fantastic support in a very difficult case." (The Legal 500, 2020)

In the Press

Sir Owen Glenn KNZM ONZM and Kea Investments Limited v Eric Watson, Novatrust Limited and others [2018] EWHC 2016 (Ch), The Barrister, 5 October

Glenn v Watson Trust Dispute, STEP Journal, 2nd August 2018

Property Investor Gets OK To Drop £129m Deal in Fraud Case, Law 360, 1st August 2018

Education & Qualifications

BA (First Class) Christ Church, Oxford

Dip Law, City University, London

Memberships

Chancery Bar Association

Commercial Bar Association

Commercial Fraud Lawyers Association