



serle court

clerks@serlecourt.co.uk
+44 (0)20 7242 6105

Tim Benham-Mirando

Year of Call: 2019

"Tim is very intelligent, conscientious and strategic. He demonstrates real depth to his legal analysis, as well as the ability to assimilate huge volumes of factual information, from which he identifies what is core to the issues in dispute."

Legal 500, 2024

tmirando@serlecourt.co.uk
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Practice Overview

Tim is ranked as a Rising Star in the Legal 500. Over the last couple of years, he has been instructed on three of The Lawyer's Top 20 Cases. Alongside those high-profile matters, Tim has appeared many times in the High Court as sole advocate. He has particular experience in heavy interlocutory applications, having successfully obtained (unled) summary judgment, a freezing injunction, a passport order, and disclosure orders.

Tim has a broad commercial chancery practice across the range of work undertaken in Chambers, with a particular focus on civil fraud, company law, and trusts. He has experience of litigation (both domestic and offshore) and arbitration (under various rules). Tim is comfortable working as sole advocate or as part of a larger counsel team (including being led within or out of Chambers).

In civil fraud, Tim is particularly experienced in applications for interlocutory relief, including search orders, freezing injunctions, proprietary injunctions, mandate orders, Norwich Pharmacal orders, and Bankers Trust orders. His recent cases include *PIFSS v Al Wazzan* (one of The Lawyer's Top 20 Cases for 2025) where he acts for one of the defendants to the claims brought to recover close to US\$1 billion relating to alleged bribes. Tim also acted for two defendants in *Jinxin v Aser Media PTE Limited & Ors* (another of The Lawyer's Top 20 Cases for 2025) where the alleged fraud related to the acquisition of media rights in Italian Serie A, and FIFA World Cup, football matches.

In company law, Tim regularly advises and acts in shareholder and insolvency disputes. Tim represented one of the former directors in *Re BHS Group Limited* (one of The Lawyer's Top 20 Cases for 2023) where the complex insolvency proceedings (and what is thought to be the largest ever wrongful trading claim: [2024] EWHC 1417 (Ch)) arose out of the collapse of the BHS group of companies, once a major presence on the British high street.

In trusts disputes, Tim was part of the counsel team in *Wong v Grand View*, a Bermudian claim relating to trusts worth around US\$15 billion – believed to be one of the largest disputes anywhere in the world. He also acted in *Volpi v Delanson* in relation to a series of challenges arising out of a trust arbitration seated in The Bahamas. Those proceedings have led to a number of important judgments dealing with various novel questions relating to the interaction of trusts law and arbitration.

Tim read law at the University of Oxford where he graduated with a first class degree (ranking fifth in his year) and a Distinction on the BCL. He previously taught Trusts and Land Law at the University of Oxford. He was awarded the Lord Mansfield scholarship by Lincoln's Inn (the Inn's top award).

Before coming to the Bar, Tim worked in the international arbitration group at Wilmer Cutler Pickering Hale and Dorr, a leading US law firm. During his time at the firm, he worked on a number of arbitrations, and arbitration related court applications, for corporate clients from a variety of industries, including energy, commodities and telecommunications. He has continued this strand of his practice where he is currently instructed in a high-value LCIA arbitration.

Areas of Expertise

Commercial Litigation

Richardson v Hottinger & Dawbarn: Acting (led by Lance Ashworth KC) for the former owner of Wasps Rugby Club (that went into administration in October 2022) in claims against his former advisors relating to the collapse of the club. Tim has also successfully acted (unled) in various insolvency proceedings on novel and unusual points of law against counsel well beyond his year of call.

Dolphin Capital Partners Ltd v DCI Advisors Ltd [2024] EWHC 678 (Comm): Acting (led by Dan McCourt Fritz KC) in

proceedings relating to an alleged secret profit obtained by an agent fund manager in relation to the sale of a luxury hotel.

Frischmann v Vaxeal: Successfully acting (unled) in a heavy summary judgment application which raised complex issues regarding the law of assignment. The decision [2023] EWHC 2698 (Ch) has proved to be of significant interest to corporate and finance legal departments.

Richards v Kulczyk & Ors: Acting (with Paul Adams) in proceedings to recover around £6 million under alleged oral contracts and in unjust enrichment. The case involved a jurisdictional dispute that raised issues such as the importance of a transcript to summary determination of oral contract claims and the relationship between contract and unjust enrichment (reported at [2022] EWHC 863 (Ch)).

Wong v Grand View Private Trust Co & Ors: Assisting Mark Howard KC and Jonathan Adkin KC for the defendant Trustees in what is believed to be the largest claim ever brought before the Bermudian Courts and one of the largest disputes anywhere in the world. The litigation concerned the creation of five trusts worth over US\$15 billion. The case raised a range of complex issues including mistake, transfers of beneficial interests and conflicts of law. There were also several heavy interlocutory disputes which touched on significant issues such as joint interest privilege ([2021] CA (Bda) 3 Civ, 12 April 2021). The 18-week trial was heard in 2021.

Cathay Pacific Airlines v Lufthansa Technik AG [2019] EWHC 715 (Ch); [2020] EWHC 1789 (Ch): Chancery Division proceedings arising out of the termination of a long-term repair agreement (at WilmerHale)

Super-max v Malhotra: Assisted Dan McCourt Fritz (led by Philip Marshall KC) in defending an application for committal for contempt in the Commercial Court.

Taylor v Rhino Overseas Inc [2020] EWCA Civ 353: Assisting Dan McCourt Fritz and Lance Asworth KC in Court of Appeal proceedings concerning the law of agency.

Ward v Savill [2020] EWHC 1534 (Ch); [2021] EWCA Civ 1378: Assisted James Mather in proceedings concerning the effect of prior judgments on third parties.

Wellcourt Investments: Assisted Matthew Morrison and Lance Asworth KC in a *Norwich Pharmacal* application relating to proceedings for breach of contract, breach of fiduciary duty, dishonest assistance and conspiracy.

Arbitration

Acting (unled) in an LCIA arbitration relating to a luxury European hotel resort.

Volpi v Delanson: Acting (with Dakis Hagen KC and Stephanie Thompson) in advising and assisting in relation to a series of challenges and appeals arising out of a trust arbitration seated in The Bahamas. The proceedings have led to a number of important reported judgments dealing with various novel questions relating to trust arbitrations.

An application in the Commercial Court (unled) to register an ICSID arbitration award against a state for over US\$372 million.

An ICC arbitration for a US oil and gas exploration company regarding rights to an oil field offshore Africa (at WilmerHale).

An LCIA arbitration and associated High Court proceedings for an Eastern European commodities company in relation to a dispute under a processing agreement (at WilmerHale).

Commercial court proceedings concerning jurisdiction arising out of an LCIA arbitration for an investor in the

hospitality sector (at WilmerHale).

Advising a Middle Eastern engine distributor on UNCITRAL arbitration proceedings and an anti-suit injunction (at WilmerHale).

Civil Fraud

PIFSS: One of The Lawyer's Top 20 Cases for 2025. Acting (led by Philip Edey KC) for one of the defendants to the claim brought by the Public Institution for Social Security in Kuwait to recover close to US\$1 billion relating to alleged bribes paid to its former Director General. Tim appeared in interlocutory proceedings [2024] EWHC 480 (Comm) relating to disclosure and unled in another interlocutory hearing.

Frischmann v Vaxeal: Acting (unled) in successfully obtaining disclosure orders, a freezing injunction, and passport order.

Isbilen v Turk & Ors: Acting (with Dan McCourt Fritz KC) for the claimant in claims to recover substantial assets following allegations of deceit, breach of fiduciary duty and knowing receipt. The case has been reported on in major national newspapers (such as [The Daily Telegraph](#), [The Daily Mail](#), [The Times](#) and [The Guardian](#)). The proceedings are also of note as the claimant has obtained a litany of exceptional interim remedies such as a passport order, an order for cross-examination and a search order (reported at [2022] EWHC 572 (Ch)). Tim appeared (unled) multiple times in the High Court to obtain interlocutory remedies (such as *Norwich Pharmacal / Bankers Trust* relief).

Jinxin v Aser Media PTE Limited & Ors: Acting (led by Hugh Norbury KC) for the Fifth and Seventh Defendants to a claim for deceit and unlawful means conspiracy worth over US\$661 million. The claim arises out of the sale of the majority shareholding by a Chinese consortium in a leading global sports media agency. The alleged fraud relates to the acquisition of media rights in Italian Serie A, and FIFA World Cup, football matches. Tim appeared unled in an interlocutory dispute regarding the privilege of emails on a work server which is reported at [2023] 1 WLR 1084.

Festival v Murphy & Ors: Acting (led by Lance Ashworth KC) in defending claims in conspiracy relating to companies involved in the hotel industry.

Russell v Cartwright [2020] EWHC 41 (Ch): Assisted Dan McCourt Fritz and Stephanie Thompson in a ten-day trial successfully defending allegations of fraud, breach of duties of good faith and conspiracy arising from a joint venture.

Company

Re BHS Group Ltd: Acting (led by Daniel Lightman KC) in one of The Lawyer's Top 20 Cases for 2023. The proceedings arose out of the collapse of the BHS group of companies, once a major presence on the British high street. The joint liquidators of the companies brought what is thought to be the largest ever wrongful trading claim against the former directors. The BHS group was previously owned by Sir Philip Green before it was sold to Mr Dominic Chappell, a former bankrupt, for £1 in March 2015. The collapse of the BHS group was a major news event and widely publicised and it prompted an investigation by Parliamentary Select Committees. Leech J's lengthy and complex judgment [2024] EWHC 1417 (Ch) is of interest to all advisors of directors of companies in financial distress.

Re Hawking plc: Represented Hawking PLC in a hostile administration application which was heavily contested and has already been cited by insolvency law textbooks: [2022] EWHC 3665 (Ch) and [2023] BCC 556.

Broadcasting Investment Group Ltd v Smith [2020] EWHC 2501 (Ch): Assisted Dan McCourt Fritz in proceedings concerning, among other things, the rule against reflective loss.

Acting (unled) in High Court proceedings claiming unfair prejudice. The case involved novel issues concerning the application of compulsory purchase provisions in the company's articles.

International and Offshore

Wong v Grand View Private Trust Co & Ors: Assisting Mark Howard KC and Jonathan Adkin KC for the defendant Trustees in what is believed to be the largest claim ever brought before the Bermudian Courts and one of the largest disputes anywhere in the world. The litigation concerned the creation of five trusts worth over US\$15 billion. The case raised a range of complex issues including mistake, transfers of beneficial interests and conflicts of law. There were also several heavy interlocutory disputes which touched on significant issues such as joint interest privilege ([2021] CA (Bda) 3 Civ, 12 April 2021). The 18-week trial was heard 2021.

Volpi v Delanson: Acting (with Dakis Hagen KC and Stephanie Thompson) in advising and assisting in relation to a series of challenges and appeals arising out of a trust arbitration seated in The Bahamas. The proceedings have led to a number of important reported judgments dealing with various novel questions relating to trust arbitrations.

Assisted Matthew Morrison in advising a Jersey trusts service provider on allegations of professional negligence.

Assisted Matthew Morrison in contemplated proceedings in the Cayman Islands to recover funds forwarded under a *Quistclose* trust.

Assisted Giles Richardson in proceedings in the Jersey Court of Appeal, and an application for permission to appeal to the Privy Council, concerning the effect of the principle of merger on security obligations.

Private Client Trusts and Probate

Assisted Dan McCourt Fritz (led by Richard Wilson KC) in representing a trustee in contested estate proceedings.

Banking and Financial Services

Assisted Matthew Morrison (led by Philip Marshall KC) in the DIFC Court of First Instance relating to LMA loans, security and *Quistclose* trusts.

Insolvency

Re BHS Group Ltd: Acting (led by Daniel Lightman KC) in one of The Lawyer's Top 20 Cases for 2023.

The proceedings arose out of the collapse of the BHS group of companies, once a major presence on the British high street. The joint liquidators of the companies brought what is thought to be the largest ever wrongful trading claim against the former directors. The BHS group was previously owned by Sir Philip Green before it was sold to Mr Dominic Chappell, a former bankrupt, for £1 in March 2015. The collapse of the BHS group was a major news event and widely publicised and it prompted an investigation by Parliamentary Select Committees. Leech J's lengthy and complex judgment [2024] EWHC 1417 (Ch) is of interest to all advisors of directors of companies in financial distress.

Re Hawking plc: Represented Hawking PLC in a hostile administration application which was heavily contested and has already been cited by insolvency law textbooks: [2022] EWHC 3665 (Ch) and [2023] BCC 556.

Town & Country Properties (GB) Ltd v Black Capital: Acting (led by Dan McCourt Fritz KC) for the respondent who was alleged to be part of a 'Ponzi scheme'. The Petitioners – who had invested over £13 million – had appointed a provisional liquidator and obtained a freezing injunction. Tim successfully resisted attempts by the Petitioners to make the respondent bankrupt and the freezing injunction was eventually discharged by the Court of Appeal. The matter involved highly technical aspects of the law relating to insolvent partnerships and the appointment of provisional liquidators: [2023] B.P.I.R. 792

Assisted Matthew Morrison in advising directors on allegations of unlawful distributions and misfeasance from liquidators following a company's liabilities to the revenue after a failed tax scheme.

Festival v Murphy & Ors: Acting (led by Lance Ashworth KC) for defendants in claims which allege that hotels were sold at an undervalue.

Obtaining an extension of an administration order in relation to the administration of an energy supplier.

Re Black Capital Partners: Acting (with Dan McCourt Fritz) in winding up and bankruptcy proceedings relating to an alleged partnership.

Intellectual Property

The Original Alternative Group: Assisted Gareth Tilley in a relief from sanctions application relating to a dispute as to the ownership of a domain name.

Violet v Toupay: Assisted Thomas Elias in an interim injunction application arising out of proceedings for passing off, trademark infringement and misuse of confidential information.

Professional Negligence

Assisted Dan McCourt Fritz in contemplated proceedings for professional negligence against former M&A advisors.

Annaloro v Milestone: Assisted Gareth Tilley in a professional negligence claim against former tax advisers.

Recommendations

Civil Fraud, Rising Star, Legal 500 2024 Guide

Insolvency, Rising Star, Legal 500 2024 Guide

Quotes

"Tim is very intelligent, conscientious and strategic. He demonstrates real depth to his legal analysis, as well as the ability to assimilate huge volumes of factual information, from which he identifies what is core to the issues in dispute." (Legal 500 2024 Guide)

Publications

Chapter on English law in *The International Arbitration Review* (with Duncan Speller, 9th and 10th editions)

Awards

Lord Mansfield Scholarship, Lincoln's Inn

Buchanan Prize, Lincoln's Inn

Accommodation Scholarship, Lincoln's Inn

Hardwicke Award, Lincoln's Inn

Prize for Outstanding Achievement on the BCL, Brasenose College

Barry Nicholas Scholarship, Brasenose College

Law Faculty Prize for Best Performance in Personal Property Law, University of Oxford

Prize for Outstanding Achievement in Finals, Brasenose College

Undergraduate Scholar, Brasenose College

In the Press

[*'The ICC's new rules: late to the party, but welcome as tools to ensure efficient and fair process'*](#) Global Legal Post, [Zoe O'Sullivan QC](#), and Tim Benham-Mirando, 30 October 2020

Education & Qualifications

BA in Law, Brasenose College, University of Oxford (First Class, ranked 5th in year)

BCL, Brasenose College, University of Oxford (Distinction)

BPTC, City Law School (Outstanding)
