

## Sharif A Shivji

Called: 2001



### Areas Of Practice

Prior to coming to the Bar, Sharif worked as a derivatives trader in London and Hong Kong. Sharif regularly acts in large commercial disputes, especially in a financial services or insolvency context.

His recent directory entries include: Chambers UK 2009 for Company Law ("a definite star of the future" who has experience in directors' duties, directors' disqualification, shareholder rights and company dissolution and revival issues") and Chambers UK 2008 for Commercial Dispute Resolution ("Sharif Shivji previously worked as a derivatives trader, and so is considered ideally placed to handle financial services disputes. Lately, he has been working on a shareholders' dispute involving a group with operations in the UK, Germany and Luxembourg") and Company Law ("Sharif Shivji is a widely respected figure at the chambers, and "a skilled advocate with immense potential").

In 2007, Sharif was one of two junior barristers included in the "Bar" section of The Lawyer's 'Hot 100'. In 2008, Sharif was listed as one of ten "Future Stars at the Bar" by Legal Week. In 2009, Sharif was the only barrister selected by Financial News in its 100 Rising Stars feature ("Shivji is an authority when it comes to financial services disputes").

#### Commercial Law & Banking / Financial Services Law

Sharif often acts in large commercial disputes, in particular those with a financial services element. He has a degree in Economics and has specialist knowledge of the financial markets; in particular, trading on international stock-exchanges, foreign exchange trading, derivatives trading (including financial and commodity futures, options, CFDs, swaps and structured products) and corporate finance. Sharif provides advice to banks and other financial institutions and their customers on regulatory matters under FSMA 2000 and the FSA rules and acts in trading disputes. He has recently been involved in a number of disputed swap transactions (under the ISDA Master Agreement) and prime brokerage and collateral disputes.

#### Corporate Insolvency Law

Sharif has considerable experience in insolvency litigation, including acting in contested administration applications, winding-up petitions, voluntary arrangements, transaction avoidance cases, and applications to restrain presentation and advertisement of petitions. He has recently appeared in a number of cases involving trust claims and the distribution of client assets or money in an insolvency context (for example, Lehman Brothers International Europe, BA Peters plc and PRG Powerhouse). He also has specific expertise in cross-border insolvency including UNCITRAL and the Cross-Border Insolvency Regulations 2006.

#### Company Law

This is the backbone of Chambers' work and Sharif has acted in and advised on numerous company law disputes raising questions of directors' duties, directors' disqualification, shareholder rights and company dissolution and revival. He also advises on company constitutional issues.

#### Commercial Fraud and Asset Recovery

Sharif has detailed knowledge of many aspects of commercial fraud litigation, including freezing and proprietary injunctions and search and disclosure orders. Sharif's masters thesis was on the topic of international asset recovery.

### Cases Of Interest

Lehman Brothers International Europe [2009] EWHC 2545: led by Jules Sher QC, Sharif acted for a hedge fund, the RAB Market Cycles (Master) Fund, in its successful claim that collateral assets (worth several billion US\$) were held by the bank on trust for its clients.

The Law Debenture Trust Corporation v Elektrim SA [2009] EWHC 1801: led by Robert Miles QC and Andrew Clutterbuck, Sharif acted for the claimant in its action for a contingent payment pursuant to a bond issue. The case involved the valuation of a Polish conglomerate (including the discounted cash flow method of valuation) and issues relating to the International Accounting Standards. The claimant obtained judgment in the sum of €185 million.

BA Peters [2008] BPIR 1180: dispute involving the distribution of client assets and money in the administration of an insolvent ship broker.

Baron Jon Menswear [2008] BCC 542: contested application for leave to bring proceedings against company in administration.

### Areas of Practice

- Banking / Financial Services
- Corporate Insolvency
- Commercial Law
- Company Law
- Commercial Fraud & Asset Recovery

### Notes

Whilst at the LSE, Sharif worked as a research assistant for Professor Tim Congdon (a member of the Monetary Policy Committee) and as an intern in the equity research department at Kleinwort Benson.

From 1997 to 1999, Sharif worked as a derivatives trader at a leading swaps house, Fuji Capital Markets Corporation (FCMC), in London and Hong Kong. During this period, Sharif dealt in Yen Interest Rate Swaps, Short-Term Interest Rate Futures, Bond Futures and Government Bonds.

Geniki Investments Ltd v Ellis Stockbrokers Ltd [2008] 1 BCLC 662: claim against stockbroker for breach of Financial Services legislation and breach of contract for unauthorised trading on international stock markets.  
Revenue & Customs v Richard Alan Crossman [2008] 1 All ER 483: public law issues in bankruptcy proceedings.  
Secretary of State for Trade & Industry v Jonkler [2006] 1 WLR 3433: leading case on applications to vary disqualification undertakings pursuant to section 8A of the Company Directors Disqualification Act 1986.  
Daraydan & others v Solland International & others [2005] Ch 119: bribery, conspiracy to defraud, international asset tracing.  
Giles v Rhind [2003] Ch 618: Court of Appeal, claim for breach of shareholder agreement, reflective losses.

## Publications

"Financial collateral: trust issues in the administration of Lehman Brothers" (2010) 25(1) BJIB&FL 11.  
"The Cross-Border Insolvency Regulations 2006: An Emerging Jurisprudence" American Bankruptcy Institute Journal Jan 2008, 40  
"The Cross Border Insolvency Regulations 2006" (2007) 23(2) IL&P 37.  
Contributor to Annotated Companies Acts, Oxford.  
Atkins' Court Forms: Insolvency Volumes 9(2) to 9(4).  
Tolley's Company Law: Investigations by the BERR.

## Academic

BSc in Economics from the London School of Economics. MA in Law from City University (thesis on Equitable Tracing). Wolfson Scholar, Lincoln's Inn and Sir Walter Wigglesworth Scholar, Lincoln's Inn.



© 4 Stone Buildings 2009

**4 Stone Buildings**

Lincoln's Inn, London WC2A 3XT

tel: 020 7242 5524

fax: 020 7831 7907

DX: 385 Chancery Lane