
Harry Stratton

Barrister
Call 2021



Scope of Practice

• Arbitration • Commercial Litigation • Civil Fraud and Economic Torts • Financial Sanctions • Injunctions • Jurisdiction and Conflict of Laws • Tax and Revenue

Overview

Harry's practice spans the full spectrum of international commercial disputes, particularly civil fraud, arbitration, offshore proceedings, and libel, often with a jurisdictional or conflict of laws element. As part of a counsel team, he has acted in some of the largest and most complex pieces of litigation heard in the Commercial Court (including three featured in the Lawyer's Top 20 Cases for the year). He also regularly acts as sole counsel in the High Court. Prior to joining One Essex Court, Harry qualified as a solicitor in Australia in 2018 and worked at a magic circle firm in London; co-authored one of the leading textbooks on English court rules, Zuckerman's Civil Procedure (4th ed); and was a world champion mooter and national champion debater.

After graduating with a Bachelor of Civil Law (Dist) from Oxford University, Harry maintains an active interest in academic law. He has published 12 peer-reviewed journal articles, including in the Law Quarterly Review and Civil Justice Quarterly, on topics including evidence and civil procedure, the conflict of laws, and bribery offences. He previously taught advocacy to undergraduate mooters at Oxford University and Sydney University.

Outside of practice, Harry sits on the Bar Council's Pro Bono and Social Responsibility Committee, Remuneration Committee, and Money Laundering & Sanctions Working Group. He was previously the Chair of the Cities of London & Westminster Labour Party.

Highlights of Harry's practice include:

- PIFSS v Al Rajaan: defending a Swiss bank in a £3 billion claim for bribery and money laundering brought by Kuwait's national pension fund. One of the largest fraud disputes ever heard in the English High Court and

one of The Lawyer's Top 20 Cases of the year. (Led by Camilla Bingham KC.)

- *Seahawk v Gold Dragon*: defending a Lau family entity in a US\$1 billion claim in the Cayman Islands for breach of fiduciary duty. Zhang Yin (Mrs Lau) of Nine Dragons was formerly the wealthiest self-made woman in the world. (Led by Graham Chapman KC.)
- *Skatteforvaltningen v Solo Capital Partners LLP*: acting for the Danish tax authorities in a £1.5 billion claim for withholding tax fraud, carried out through a complex series of swaps and derivatives. In the words of Foxton J, "*one of the largest and most complex pieces of litigation to be heard in the Commercial Court*" and one of The Lawyer's Top 20 Cases of the year. (Led by Jamie Goldsmith KC among others.)
- *Privatbank v Bogolyubov*: acting for a Ukrainian oligarch in a US\$4.2 billion fraud claim brought by Ukraine's state-owned bank. One of The Lawyer's Top 20 Cases of the year. (Led by Clare Montgomery KC.)
- *Gorbachev v Guriev*: acting in the Court of Appeal and in permission to appeal to the Supreme Court for offshore trustees caught in a dispute between two Russian oligarchs. (Led by Richard Mott and Sam O'Leary.)
- *Uyi v Abraham*: acting unled in a High Court libel claim, defending a religious leader who accused a rival religious leader of being the Antichrist.
- *Re Festicket*: acting unled in the High Court against Thomas Munby KC in a million-pound insolvency claim.

Examples of Recent Cases

Commercial Litigation

- *PIFSS v Al Rajaa*n: defending a Swiss bank in a £3 billion claim for bribery and money laundering brought by Kuwait's national pension fund. One of the largest fraud disputes ever heard in the English High Court and one of The Lawyer's Top 20 Cases of the year. (Led by Camilla Bingham KC.)
- *Gorbachev v Guriev*: acting in the Court of Appeal and in permission to appeal to the Supreme Court for offshore trustees caught in a dispute between two Russian oligarchs. (Led by Richard Mott and Sam O'Leary.)
- *Skatteforvaltningen v Solo Capital Partners LLP*: acting for the Danish tax authorities in a £1.5 billion claim for withholding tax fraud, carried out through a complex series of swaps and derivatives. In the words of Foxton J, "*one of the largest and most complex pieces of litigation to be heard in the Commercial Court*" and one of The Lawyer's Top 20 Cases of the year. (Led by Michael Fealy KC and Jamie Goldsmith KC among others.)
- *Privatbank v Bogolyubov*: acting for a Ukrainian oligarch in a US\$4.2 billion fraud claim brought by Ukraine's state-owned bank. One of The Lawyer's Top 20 Cases of the year. (Led by Clare Montgomery KC.)
- *Bourlakova v Bourlakov*: acting for the wife of a Russian oligarch in a US\$3 billion fraud claim against her estranged husband. (Led by Matthew Cook KC.)
- *Vale SA v Steinmetz*: as a pupil, assisting in acting for a Brazilian mining conglomerate in a US\$1.8 billion claim in relation to foreign corrupt practices, including alleged bribery of a former President and First Lady of the Republic of Guinea. (Led by Sonia Tolaney KC.)

- *Lonestar Communications v Kaye*: as a pupil, assisted in acting for Orange in Commercial Court proceedings arising out of alleged cyberattacks on a telecommunications company in Liberia, involving allegations of vicarious liability for economic torts in connection with the alleged cyberattacks. One of The Lawyer's Top 20 Cases of the year. (Led by Neil Kitchener KC.)

Offshore

- *Seahawk v Gold Dragon*: defending a Lau family entity in a US\$1 billion claim in the Cayman Islands for breach of fiduciary duty. Zhang Yin (Mrs Lau) of Nine Dragons was formerly the wealthiest self-made woman in the world. (Led by Graham Chapman KC.)
- *African Minerals (AML) v Madison Pacific & Shandong Iron & Steel*: acting in proceedings in Bermuda arising out of an alleged unlawful means conspiracy by a Chinese mining group to appropriate an interest in an African metals mine, claiming hundreds of millions of dollars in damages. (Led by Camilla Bingham KC.)

Tax and Revenue

- *FC Shipping v HMRC*: acting in the Tax Tribunal for a subsidiary of the Vroon Shipping Group in a dispute concerning anti-avoidance provisions. (Led by Julian Ghosh KC.)
- *ScottishPower v HMRC*: at Linklaters, acted for the taxpayer in a tax appeal concerning whether the taxpayer could deduct penalties and redress required by a regulator.
- At Linklaters, acting in a confidential tax dispute concerning a £2 billion tax avoidance claim against a major UK bank.

Arbitration

- Confidential SCC arbitration concerning a shareholder valuation dispute in France.
- Confidential ICC arbitration concerning the construction of a shipping terminal in Russia.
- At Linklaters, acted in a confidential HKIAC arbitration concerning \$300 million claim for breach of an international contract for the supply of minerals.

Libel & breach of confidence

- Confidential instruction: acting for a FTSE-100 company in a dispute with a whistleblower and a national tabloid newspaper concerning breach of confidence and non-disclosure/non-disparagement agreements. (Led by Alexander Polley KC.)
- *Uyi v Abraham*: acting unled in a High Court libel claim, defending a religious leader who accused a rival religious leader of being the Antichrist.

General Commercial Disputes

- *Various Claimants v G4S*: acting for G4S in shareholder group litigation pursuant to section 90A of the Financial Services and Markets Act 2000, and in criminal proceedings for fraud against former executives.

(Led by Laurence Rabinowitz KC.)

- Delivery Hero v Mastercard: acting (including sometimes appearing as sole counsel) in a US\$40 million dispute with Mastercard in relation to payment systems processing throughout South East Asia. (Led by Sa'ad Hossain KC.)
- Confidential shareholder dispute: as a pupil, assisted in advising on claims by shareholders concerning failure to disclose material information in a \$90bn merger.

Transactional: at Linklaters, worked on matters including the unification of Unilever's dual listed structure, the administration of Victoria's Secret, the restructuring of Clarks Shoes and Steinhoff International, and the Lehman Brothers International (Europe) insolvency

Competition

- Utilita v PayPoint: acting in the Competition Appeal Tribunal for a power company in a claim concerning abuse of dominant position. (Led by Derek Spitz.)
- At Linklaters, acting for Visa in a £2 billion competition claim.

Sanctions

- Advising principals, counterparties and service providers on the application of sanctions following the war between Russia and Ukraine (including in dealings with sanctioned individuals and the supply of dual use goods).

Political parties & election law

- Hayes v Pack: defending a national political party in proceedings brought by a failed candidate for selection as a European Parliament candidate and for the Party's presidency. (Led by Richard Mott.)
- Advised political and campaigning organisations (including an affiliate of a major UK political party) on their corporate structuring, constitutions, and compliance with statutory reporting obligations.
- Acted in applications to expel a former head of government and former general secretary from a political party following allegations of corrupt conduct alleged to bring the party into disrepute.

Sole Counsel / Advocacy

- Uyi v Abraham: acting unled in the High Court, defending a religious leader who accused a rival religious leader of being the Antichrist.
- Re Festicket: acting unled in the High Court against Thomas Munby KC in a million-pound insolvency claim on behalf of creditors asserting particular funds were held on trust for them.
- Doyle v Hazell: acting unled in the High Court on an £800,000 breach of contract claim.
- Henderson & Jones v Watson: acting unled in the High Court on a £400,000 insolvency claim.
- Ward v Squibb: acting unled in the High Court on a £400,000 guarantee claim.

- UEFA claims: advising on potential claims arising out of police violence towards Liverpool fans in the 2022 Champions League final in Paris.
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Education

2018-2019 Bachelor of Civil Law (Distinction), Magdalen College, Oxford

- First place in two out of four subjects (Conflict of Laws and Trusts Tax).
- Associate editor, Oxford University Commonwealth Law Journal.
- Researcher, Oxford Pro Bono Publico, in relation to the recovery of damages for breaches of national constitutions and human rights guarantees.
- University Challenge team member, 2019-2020 season.

2018 Graduate Diploma of Legal Practice (Distinction), College of Law

2012-2018 Bachelor of Laws (Hons I, Medal)/Bachelor of Science (Adv), University of Sydney

- University medal for first place in Law.
- First Class Honours and High Distinction average.
- Prizes include Ian Joye Prize for highest GPA on graduation; Nancy Gordon Smith Prize for Honours Thesis; Outstanding Merit Scholarship; Monahan Prize for First in Evidence; University of Sydney Academic Merit Prize; James Aitken Scholarship; Walter Reid Memorial Prize; RG Henderson (NSW Bar Association) Memorial Prize; and a place on the Dean's list.
- Student editor, Sydney Law Review

2006-2011 Sydney Grammar School

- Undergraduate offers from Harvard, Yale and Princeton Universities.
 - Equal first in NSW on aggregate for the 2011 Higher School Certificate (ATAR 99.95/99.95).
 - First in NSW in Latin and Classical Greek.
 - Dux of Sydney Grammar School.
 - 2400/2400 on SAT reasoning tests.
 - 800/800 for SAT Latin, Maths II and Chemistry subject tests.
 - Two-time silver medallist, Australian Chemistry Olympiad.
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Admissions

- Solicitor, Australia 2018
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Publications

Books

- Zuckerman on Civil Procedure (Sweet & Maxwell, 4th ed, 2021): redrafted and revised chapters on Summary & Default Judgment, Litigation Tracks, Self-Incrimination, and Offers to Settle.
- Zuckerman on Civil Procedure (Sweet & Maxwell, 5th ed, forthcoming): redrafted and revised chapters on Summary & Default Judgment and Concluding Proceedings.
- Currently working on a book proposal, Defamation Law as Product Liability, which considers the problems of applying 19th-century precedent to mass commercial and electronic media.

Journal Articles

- ‘Perfectly Safe, Five Times out of Six: The *Briginshaw* Principle and Its Paradoxes’ (2019) 42(2) *University of New South Wales Law Journal* 376.
 - ‘Finality and Judgments Obtained by Fraud’ (2019) 38(3) *Civil Justice Quarterly* 311.
 - ‘Judicial Intervention into Political Parties’ (2020) 20(1) *Oxford University Commonwealth Law Journal* 225.
 - ‘Against Strike-Outs for Disproportionality’ (2020) 12(1) *Journal of Media Law* 116.
 - ‘The Procedural Argument Against Recovery of Lost Chances in Medical Negligence’ (2020) 49 *Australian Bar Review* 367.
 - ‘The Meaning of Probative Value’ [2020] *Northern Territory Law Journal* 1.
 - ‘The Uncertain Boundary Between Contract and Tort’ (2021) 137 *Law Quarterly Review* 222.
 - ‘Jersey Gets in on Bilateral Investment Treaty (23 February 2021) *Global Arbitration Review*.
 - ‘What Junior Solicitors Wish You Knew About Privilege Reviews’ (1 September 2021) *Law Society Journal*.
 - ‘Against Renvoi in Commercial Law’ (2021) 17(3) *Journal of Private International Law* 524.
 - ‘Guilt by Lottery’ (2022) 86(1) *Criminal Law Journal* 29.
 - ‘The Quincecare Duty and Foreign Corrupt Practices’ (2022) *Journal of International Banking & Financial Law* (forthcoming).
 - ‘Security for Costs and the False Distinction Between Claimants and Defendants’ (2022) 38(7) *Construction Law Journal* 474.
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Employment & Work Experience

Employment & Work Experience

2021 Office of General Counsel, Plan International (seconded from Linklaters LLP)

- Assisting the General Counsel team of a US\$1 billion international humanitarian and development organisation, impacting the lives of 40 million children in 77 countries each year.

2019-2021 Legal Adviser, Linklaters Primarily working in the Tax and Disputes teams

Rated 5/5 Outstanding in March 2020. I acted in a wide variety of civil and commercial matters. Examples of cases I have worked on include:

- Confidential HKIAC arbitration concerning \$300 million claim by a mining conglomerate against a state-owned enterprise in the PRC.
- Confidential tax dispute concerning a £2 billion tax avoidance claim against a major UK bank.
- Visa Interchange Dispute: acting for Visa in a £2 billion competition claim.

2018, 2021 Research Assistant to Professor David Hamer and Professor David Rolph, University of Sydney

Other positions of responsibility

- 2021-Pres Bar Council Pro Bono and Social Responsibility Committee
- 2021-Pres Bar Council Remuneration Committee

Other advocacy experience

- World Champion Mooter: international winner of the Jessup International Law Moot (Washington DC), International Maritime Law Arbitration Moot (London), and Manfred Lachs Space Law Moot (Dubai).
- National Champion Debater: winner of the National Schools Debating Championship, University of Western Sydney Open Debating Championship, Macquarie University Commonwealth Debating Championship, University of Technology Sydney Interschool Debating Championship, and Griffith University Interschool Debating Championship. Runner-up in the Australian Interschool Debating Championship.

Awards



Contact Clerks



David Amdor

Clerk Team Leader

+44 (0)20 7520 4615

damdor@oeclaw.co.uk



Conor Mullane

Team Leader's Assistant

+44 (0)20 7520 4609

CMullane@oeclaw.co.uk



Terry Catchpole

Clerk

+44 (0)20 7520 4739

tcatchpole@oeclaw.co.uk