

Alexander Heylin

Call: 2000

"His strengths include his ability to think outside the box. He is also extremely good at dealing with difficult clients."

Legal 500 2023 - Offshore



Alexander Heylin has broad commercial and insolvency litigation experience covering a wide range of contractual, property and regulatory disputes.

His work includes an emphasis on civil fraud, white collar fraud, company, insolvency and regulatory matters, as well as complex commercial disputes generally.

Alexander regularly advises shareholders in joint venture disputes and acts in contentious matters involving trusts and involuntary liquidation. He has been the lead counsel in several long, complex, document heavy cases.

Alexander has conducted a considerable amount of complex contested trials and hearings and therefore is an experienced advocate and cross examiner in highly contentious and hard-fought cases in England and overseas. Alexander has appeared numerous times in the highest courts and appellate courts of multiple jurisdictions.

Alexander has substantial experience in cross-examination and is well used to coping with the challenges presented by trials and major applications.

Alexander has not only practised at the Bar but also as a partner in an offshore law firm and as a Principal in a New York Law firm. Alexander is therefore used to taking a client friendly and pragmatic approach to cases with an emphasis on providing optimal solutions to client's problems. Alexander's international experience makes him particularly well suited to cases involving cross border issues and has substantial experience working with other legal teams in multiple jurisdictions on the same case.

Please see his specialist areas for more information.

Expertise

Business & Property

Alexander has broad commercial and insolvency litigation experience covering a wide range of contractual, property and regulatory

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disputes.

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Alexander has conducted a considerable amount of complex contested trials and hearings and therefore is an experienced advocate and cross examiner in highly contentious and hard-fought cases in England and overseas. Alexander has appeared numerous times in the highest courts and appellate courts of multiple jurisdictions. Alexander has substantial experience of witness actions and in cross-examination and is well used to coping with the challenges presented by trials and major applications.

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Banking, Finance & Financial Regulation

Alexander has a broad commercial litigation practice covering a wide range of contractual, property and regulatory disputes. His work includes an emphasis on civil fraud, company, insolvency and regulatory matters, as well as complex commercial disputes generally.

The primary focus of Alexander's banking and finance practice is:

- Claims involving civil fraud in lending facilities and securities
- The enforceability and construction of guarantees and indemnities.
- Asset recovery domestically and globally
- Judgment enforcement
- Production orders and Norwich Pharmacals

Alexander has unique perspective and experience on regulatory issues having both advised funds and other financial institutions including global banks for many years. He has also worked inside a fund dealing with regulatory issues in multiple jurisdictions. He has acted on matters in this area both in England as well as in Cayman, British Virgin Islands and Turks and Caicos.

Alexander has also worked on many matters touching on the US. Having studied US Corporate and securities law at NYU Law along with working for a New York based law firm, Alexander is in a unique position to work with US based lawyers on these matters where they impact on English common law jurisdictions.

Alexander has represented companies and individuals in regulatory matters both contentious and non-contentious including making presentations and direct representations to the relevant regulator. Alexander has been involved in many regulatory matters that have been directly tied to parallel regulatory issues in the US including SEC and DOJ investigations.

Alexander has acted for both Companies and individuals in regulatory matters that also involve criminal allegations including MLAT requests, POCA and money laundering allegations.

Some examples of the areas Alexander can advise on in regulatory law include –

- Financial Services Regulation (including FCA)
- Suspicious Activity Reports in the Financial Sector

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- Corporate Governance and Reporting (including POCA)
- Reports to Money Laundering Officers and POCA / money laundering regulations
- Directors Duties and Fiduciary Duties (including representation at Tribunal)
- Professional Conduct particularly concerning those regulated in the Financial Services Sector
- Bribery Act

Commercial Litigation

Commercial dispute resolution is the core part of Alexander's practice, often with a cross border and international aspect. Alexander is known for his pragmatic advice, along with having commercial objectives premeditated for the client from the outset. Alex has excellent communication skills combined with well prepared and uncompromising advocacy.

Alexander has substantial experience in acting in misrepresentation claims. A reported case is *Biscoe v Milner* 2021] EWHC 763 (Ch) containing allegations of fraudulent misrepresentations to investors of several million pounds. It resulted in a 10 day high court trial where Alex successfully represent two defendants.

Alexander advises and appears in complex, high-value disputes in the Commercial Court and Chancery Division, and in numerous overseas jurisdictions.

Alexander has extensive experience in complex and highly contentious cases and civil fraud. Many of his cases arise in the context of claims against directors, partners and former senior employees, and joint venture disputes.

Alexander has advised and appeared on cases concerning the misappropriation of company assets and unlawful share support operation, the investment of monies in bogus investment schemes, or simple theft amongst others. Given the nature of the allegations made in fraud cases, much of the work in this field is advisory remaining out of the public domain.

Alexander has considerable experience in interlocutory applications and conducted many injunction hearings related to these cases including freezing orders, Norwich Pharmacal applications and other injunctive relief both in England and overseas.

Examples of areas where Alexander advises and appears on:

- Asset Recovery
- Banking and Finance disputes
- Conflicts of law issues
- Contract disputes
- Cross Border disputes particularly 'offshore'
- Fraud matters
- Jurisdictional disputes
- Privilege issues
- Tax Tribunals
- Unfair Prejudice (994's) Petitions

Civil Fraud

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Company & Partnership

Alexander's contentious company law work primarily focuses on shareholder disputes including unfair prejudice petitions, just and equitable winding up and derivative claims and claims against directors for breaches of duty and civil fraud.

Corporate Governance is a long standing interest of Alexander's and he has considerable experience advising in this area both in England and internationally. Alexander does understand that the administration and governance of a company can be time consuming and sometimes difficult but is fundamental to the structure and culture of a company. A robust corporate governance framework is essential to help improve your organisation, and make it more attractive to banks, potential investors or in the event of sale.

Alexander not only advises on English Company law but also in respect of British Virgin Islands, Turks and Caicos and Cayman. Alexander also has experience of Delaware / US corporate law having studied it in a Corporate Law LLM at NYU Law and worked in a New York Law firm. Though he does not practice US law, it gives Alexander a unique perspective in dealing with issues of a cross border and international nature., especially in relation to Funds and other Financial Services companies.

Some of the areas Alexander can advise on include –

- Companies House filing requirements
- Compliance with the Companies Act 2006
- Constitutional document reviews
- Directors' duties and conflicts of interest
- Drafting articles of association
- Preparing for and running board and general meetings
- Provide legal advice on all areas of company law and corporate governance
- Shareholder consents and voting rights
- Share capital matters including allotments
- Regulatory compliance
- Removal of directors

There is overlap between Alexander's company law practice and his partnership law practice. He has acted on matters ranging from pre-emptive applications for injunctions to restrain expulsion; to disputes as to the existence of the partnership; to dissolution and the taking of accounts.

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Insolvency

Alexander is experienced in many areas of insolvency law both domestic and international both advising companies and conducting the hearings. These areas include:

- Administrations
- Administrative receivers
- Asset-tracing and recovery
- Bankruptcy
- Cross-border (including EC Regulation, the Cross-Border Insolvency Regulations and UNCITRAL model law)
- Directors' disqualification
- Liquidation (including application for appointment of provisional Liquidator)
- S.423 applications
- Voluntary arrangements and 'pre-packed' liquidations
- Winding up in the public interest

Cross Border Disputes

With globalization has come increased legal, regulatory, financial and reputational complexity and risk for international businesses and investors. Alexander has over eight years' experience concentrating on cross border disputes with a focus on the offshore financial industry and the US Financial Industry particularly relating to Funds.

Alexander also studied for a Masters (LLM) in International and US Corporate law at NYU Law one of the top 5 law schools in the US.

Alexander has been called to the Bar and appeared in the Courts of multiple jurisdictions and has considerable experience working with international legal teams. He is particularly experienced in high value and complex joint venture disputes.

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Inheritance Disputes, Wills, Trusts & Estates

Alexander is a member of STEP having completed his 4 STEP (Trust and Estate Practitioner) examinations with distinction. He has acted in many trusts matters particularly offshore trusts in a variety of contexts both for trustees and beneficiaries. He has particular experience dealing with Cayman, BVI and Turks and Caicos Trusts.

Alexander acts in both contentious and non-contentious probate claims including advising on claims under the Inheritance (Provision for Family and Dependents) Act 1975. Alexander's practice involves claims for the removal of Executors and Trustees, and for breaches of their duties.

Examples of areas covered include –

- Claims for financial provision pursuant to the Inheritance (Provision for Family and Dependents) Act 1975.
- Disputes as to the substantial and procedural validity of wills
- Applications for the removal of executors and trustees
- Applications for the rectification of wills
- Breach of trust/breach of fiduciary duty claims
- Administration actions in particular disputes as to the construction of wills or directions from the court
- Proprietary estoppel, undue influence and constructive trust claims

Regulatory Law & Corporate Governance

Alexander has unique perspective and experience on regulatory issues having both advised funds and other financial institutions including global banks for many years. He has also worked inside a fund dealing with regulatory issues in multiple jurisdictions. Corporate Governance is a particular interest of Alexander.

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Some examples of the areas Alexander can advise on include –

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- Suspicious Activity Reports in the Financial Sector
- Corporate Governance and Reporting (including POCA)
- Reports to Money Laundering Officers and POCA / money laundering regulations
- Directors Duties and Fiduciary Duties (including representation at Tribunal)
- Professional Conduct particularly concerning those regulated in the Financial Services Sector
- Bribery Act

Internal Investigations

Alexander has acted for major Financial Institutions and Global brands in relation to their internal investigations on issues ranging

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from financial and sexual misconduct to an arson investigation. Alexander has also acted for individuals who have been caught up in internal investigations.

Employment

Alexander's concentrates on the Financial Sector and senior executives due to his related experience in Regulatory Law and Internal Investigations which are frequently issues in such cases. Alexander has represented many investment bankers and finance professionals.

Alexander has an LLM in Employment Law.

Sports & Media Law

Alexander has considerable experience in media law related matters both contentious and non-contentious. He undertook a specialist media law pupillage at 5 Raymond Buildings and has experience of defamation, privacy and intellectual property rights. He has a strong interest in freedom of speech on the internet.

He also through his contentious practice has wide ranging experience of relevant interlocutory relief such as prohibitory injunctions and Norwich Pharmacals.

On the non-contentious side Alexander has advised on potential litigation risk of takeovers and asset acquisitions in the media space include television and radio. Licencing agreements both drafting and advising. He has also advised high profile figures in the media world on a wide range of matters from employment law and contractual issues to property disputes,

Examples of work undertook in Media law:

- Defamation
- Malicious falsehood
- Privacy
- Breach of confidence
- Negligent misstatement
- Data Protection Act
- Contempt
- Reporting restrictions
- Harassment
- Media and entertainment-related contract claims
- Special procedure material and televising courts and inquiries

Alexander has wide ranging regulatory, disciplinary, commercial and employment law (he has a Masters in Employment Law) all of which impact on Sports Law,

Examples of work undertook in Sports law:

- Disciplinary and regulatory matters
- Contractual and commercial disputes
- Sponsorship and merchandising issues
- Employment litigation

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Awards



Memberships

- Chancery Bar Association
- COMBAR

Appointments

Year of Call:

- 2000 – England and Wales
- 2011 – Turks and Caicos
- 2015 – Cayman
- 2016 – British Virgin Islands

Qualifications

- BA Newcastle University
- CPE / BVC College of Law
- LLM Surrey (part time) – Employment Law
- LLM NYU Law – Corporate Law
- TEP – Trust and Estate Practitioner as designated by STEP

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Languages

- English
- Basic French

Notable Cases

- Lead Counsel successfully defending two Respondents in a 10 day High Court trial in response to a £3 million claim from a Liquidator for several allegations including Fraudulent Trading and Dishonest Assistance. (2021)
- Junior Counsel in a Joint Venture dispute in the High Court in excess of £100 million. (2021)
- Lead Counsel in 994 Petition for Unfair Prejudice around £10 million claim. (2021)
- Lead Counsel for Russian Company in English High Court trial against English defendant with successful judgement for several million GBP. (2020)
- 'Ex Parte' Freezing order in English High Court followed by claim for breach of fiduciary duties and restitutionary claim for Chinese Clients. (2020)
- Lead Counsel acting for IP's representing victims of \$300 million Ponzi scheme operated out of Dubai. Cross border issues on insolvency law in several jurisdictions with a vast amount of documentation to be analysed. (2018)
- Lead Counsel for Investment Fund in derivative action against 'vulture funds' seeking to take control of Fund and its significant portfolio of assets. (2018)
- Counsel acting for leading Chinese Industrialist in an unfair prejudice action brought by an American Hedge Fund claiming damages in excess of £50 million. (2017)
- Counsel in civil fraud and recovery case valued at several 100 million (GBP) acting for a well-known Billionaire financier. (2014)
- Counsel acting for music legend Prince in dispute over property in excess of £15 million. (2014)
- Lead Counsel for purchasers of Ritz Carlton (West Caicos) in insolvency action relating to the collapse of Lehman Brothers, (2014)
- Lead Counsel for high profile industrialist and property developer in accusations of bribery and government corruption. (2013)
- Acting for a number of international banks and other financial institutions in cross border disputes and enforcement actions.

Notable English Cases

- Green v Daws Queen's Bench Division [2021] 4 WLUK 29 13 Apr 2021
- Biscoe v Milner Chancery Division [2021] EWHC 763 (Ch) 30 Mar 2021
- Parry v Parry Chancery Division [2005] EWHC 3284 (Ch) 16 May 2005
- Yorke v Katra Court of Appeal (Civil Division) [2003] EWCA Civ 867 9 Jun 2003

Publications

Alexander was co-author of a chapter of the latest edition of Asset Tracing and Recovery Review.

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