

# Matthew McGhee

CALL: 2013

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## Overview

Matthew enjoys a broad commercial practice. Clients instruct him to advise or act in national and international litigation and arbitrations across Chambers' practice areas.

Matthew was named as a Rising Star in Shipping by *The Legal 500* 2021 and 2022. He also has a particular interest in cybersecurity matters and is the author of 'A Practical Guide to Cyber Fraud Litigation'. Other recent cases have focused on company and insolvency, civil fraud, and banking disputes.

As well as acting as sole counsel, Matthew has extensive experience of being instructed as part of a team in large and complex commercial disputes. He appreciates and enjoys the different demands of these cases and the need to work efficiently and effectively with legal and other professionals.

Matthew is frequently instructed to obtain or resist emergency relief, often at short notice, in order to protect his clients' positions. This has included applications for freezing orders, disclosure orders, interim receiverships, interim declarations and other bespoke injunctions, including against persons unknown.

Matthew also accepts instructions to act on a direct access basis or to provide advice in non-contentious situations. He has previously provided opinions for use in foreign jurisdictions or by way of early neutral evaluation.

## Publications

- 'Accidental repeal of coronavirus restrictions on winding up petitions' (2021) 14(5) Corporate Rescue & Insolvency 163.
- 'A Practical Guide to Cyber Fraud Litigation' (Law Brief Publishing) (May 2020).
- 'International pursuit of cyber fraudsters', IBA International Litigation news (May 2018).
- 'Spotlight on Insolvency: restructuring procedures in US, UK, Norway and Singapore' Skuld offshore briefing (January 2018).
- 'Dual capacity brokers, seen through the prism of man-in-the-middle frauds' (2017) 3 Lloyd's Maritime and Commercial Law Quarterly.
- Matthew has also authored the 'Arbitration Law' chapter in Lloyd's International Maritime and Commercial Law Yearbook since 2019 and frequently contributes case analyses on a wide variety of topics for LexisPSL and Recovery magazine.

## Education

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- University of Oxford, Magdalen College: BA (Hons) in Jurisprudence, First Class (2012)
- Kaplan Law School: Bar Professional Training Course, Very Competent (2013)

## Scholarships / awards / prizes

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- Lincoln's Inn: Recipient of the Lord Denning Scholarship and Hardwicke Award (2012), and of the Cholmeley Studentship (2013)
- Bar European Group: Recipient of the Phoenicia Scholarship (2014)

## Professional memberships

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- Commercial Bar Association
- Commercial Fraud Lawyers Association
- International Chamber of Commerce Arbitration
- London Common Law and Commercial Bar Association
- London Shipping Law Centre
- Singapore Chamber of Maritime Arbitration
- Tech Disputes Network (editorial committee)

## Lectures / talks

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- 'An Introduction to Compulsory Liquidation': R3 Association of Business Recovery Professionals (18 January 2021)
- 'Cybercrime and Cryptocurrencies': Commercial Fraud Lawyers Association (8 October 2020)
- 'Payment Fraud and the Parties' Blame Game': Tech Disputes Network podcast (10 September 2020)
- 'Banks: Fraud Claims arising out of Anti-Money Laundering and other Obligations': Thought Leaders 4 FIRE (11 June 2020)
- 'Asset recovery & cyber fraud - A guide to the litigation process': MBL Seminars (1 May 2019)
- 'Dual Capacity brokers, through the prism of man-in-the-middle fraud': International Congress of Maritime Arbitrators XX (27 September 2017)

## Example cases

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- *CH Offshore v Internaves Consorcio Naviero and others* [2021] 1 Lloyd's Rep 465: Instructed by the arbitration claimants in an appeal from an arbitration award, wherein the claimant brokers & consultant were successful in their US\$10 million London Maritime Arbitrator's Association (LMAA) arbitration claim for commission & consultancy fees in respect of certain long-term charters (led by Christopher Hancock QC).
- *CMOC v Persons Unknown and others* [2019] Lloyd's Rep FC 62: US\$8 million claim in the Commercial Court to trace and recover funds that were stolen in a 'business email compromise' fraud, involving the first-known occasion that a worldwide freezing injunction has been granted against 'persons unknown' (led by Paul Lowenstein QC).
- *Sino Channel v Dana Shipping* [2018] 1 Lloyd's Rep 17 (CA): Court of Appeal case concerning the validity of an arbitration that had been commenced by serving notices on an apparent agent of the contract of affreightment counterparty (led by Duncan Matthews QC).
- *Banque Internationale de Commerce v Alaghband and others* (claim no: CL-2019-000090): US\$3.7 million claim in the Commercial Court in which the bank brings a number of claims arising out of an apparent fraud perpetrated against it by its former customer, now in administration and the subject of a Serious Fraud Office investigation.
- *PJSC National Bank Trust and another v Boris Mints and others* (claim nos: CL-2019-000412 & CL-2020-000432): US\$708 million claim in the Commercial Court in which two banks bring Russian law claims in respect of an alleged fraud

perpetrated by various individuals, who are alleged to have procured the replacement of valuable loans with valueless bonds (led by Duncan Matthews QC).

- *Libyan Investment Authority v Credit Suisse and others* (claim no: CL-2019-000691): US\$200 million claim in the Commercial Court in which the sovereign wealth fund seeks rescission of certain derivative options on the grounds of fraud, illegality, breach of fiduciary duty and undue influence on the part of the international investment bank (led by Roger Masefield QC of Brick Court Chambers).
- Currently instructed in a US\$42 million International Chamber of Commerce (ICC) arbitration between shareholders in relation to the delayed construction of a shipping port (previously led by Philip Edey QC).

## Arbitration

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- *Sino Channel v Dana Shipping* [2018] 1 Lloyd's Rep 17: Court of Appeal case concerning the validity of an arbitration that had been commenced by serving notices on an apparent agent of the contract of affreightment counterparty (led by Duncan Matthews QC).
- Previously acted as tribunal secretary (to Julian Lew QC) in a US\$6 million *ad hoc* arbitration under UNCITRAL Arbitration Rules concerning the construction of a joint venture and financing agreement in relation to oil and gas exploration.
- Author of the 'Arbitration Law' chapter in Lloyd's International Maritime and Commercial Law Yearbook since 2019.

## Banking and financial services

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- *Libyan Investment Authority v Credit Suisse and others* (claim no: CL-2019-000691): US\$200 million claim in the Commercial Court in which the sovereign wealth fund seeks rescission of certain derivative options on the grounds of fraud, illegality, breach of fiduciary duty and undue influence on the part of the international investment bank (led by Roger Masefield QC of Brick Court Chambers).
- *I.F.T. S.A.L. Offshore v Barclays Bank Plc* [2020] EWHC 3125 (Comm): A victim of cyber fraud has permission to use disclosure obtained from the bank to pursue a claim against the bank directly, alleging that the bank is liable for a US\$250,000 fraud perpetrated by the bank's customer because the bank received and paid out the proceeds of the fraud.
- *Banque Internationale de Commerce v Alaghband and others* (claim no: CL-2019-000090): US\$3.7 million claim in the Commercial Court in which the bank brings a number of claims arising out of an apparent fraud perpetrated against it by its former customer, now in administration and the subject of a Serious Fraud Office investigation.
- *PJSC National Bank Trust and another v Boris Mints and others* (claim nos: CL-2019-000412 & CL-2020-000432): US\$708 million claim in the Commercial Court in which two banks bring Russian law claims in respect of an alleged fraud perpetrated by various individuals, who are alleged to have procured the replacement of valuable loans with valueless bonds (led by Duncan Matthews QC).
- *Al Farouqi v Ikon Finance Limited & Hantec Markets Limited* (claim no: QB-2019-003189): US\$53 million claim in the Queen's Bench Division in which a former client of two FCA-regulated entities brings a number of claims in contract, tort and equity arising out of an alleged fraud perpetrated by the entities on the client.
- *Libyan Investment Authority v Société Générale and others* (claim no: CL-2014-000144): US\$2.1 billion claim in the Commercial Court in which the sovereign wealth fund sought rescission of a number of derivative options and other investments on the grounds of fraud and illegality on the part of the international investment bank (led by Mark Howard QC). Prior to settlement, this was named as one of *The Lawyer's* top 20 cases of 2017.
- Previously instructed by a leading international bank in relation to the FCA review of the misselling of interest rate hedging products (IRHPs).

## Civil fraud and asset tracing

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- *CMOC v Persons Unknown and others* [2019] Lloyd's Rep FC 62: US\$8 million claim in the Commercial Court to trace and recover funds that were stolen in a 'business email compromise' fraud, involving the first-known occasion that a worldwide freezing injunction has been granted against 'persons unknown' (led by Paul Lowenstein QC).
- *I.F.T. S.A.L. Offshore v Barclays Bank Plc* [2020] EWHC 3125 (Comm): A victim of cyber fraud has permission to use disclosure obtained from the bank to pursue a claim against the bank directly, alleging that the bank is liable for the US\$250,000 fraud as having received and subsequently paid out the proceeds of the fraud.
- *Banque Internationale de Commerce v Alaghband and others* (claim no: CL-2019-000090): US\$3.7 million claim in the Commercial Court in which the bank brings a number of claims arising out of an apparent fraud perpetrated against it by its former customer, now in administration and the subject of a Serious Fraud Office investigation.
- *PJSC National Bank Trust and another v Boris Mints and others* (claim nos: CL-2019-000412 & CL-2020-000432): US\$708

million claim in the Commercial Court in which two banks bring Russian law claims in respect of an alleged fraud perpetrated by various individuals, who are alleged to have procured the replacement of valuable loans with valueless bonds (led by Duncan Matthews QC).

- *Libyan Investment Authority v Credit Suisse and others* (claim no: CL-2019-000691): US\$200 million claim in the Commercial Court in which the sovereign wealth fund seeks rescission of certain derivative options on the grounds of fraud, illegality, breach of fiduciary duty and undue influence on the part of the international investment bank (led by Roger Masefield QC of Brick Court Chambers).
- *Re Michael John Stanley, Re Layezy Limited and others* (claim nos: BR-2019-000453, CR-2019-001703, CR-2019-001704, CR-2019-001706 & CR-2019-001795): Acting for the trustees-in-bankruptcy and liquidators in the insolvency of an individual and certain associated companies following the collapse of a £53million betting syndicate which operated as a Ponzi scheme.

## Commodities and international trade

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- *Banque Internationale de Commerce v Alaghband and others* (claim no: CL-2019-000090): US\$3.7 million claim in the Commercial Court in which the bank claims in respect of an apparent commodities trading fraud perpetrated against it by its former customer.
- Previously instructed in a US\$1.7 million London Maritime Arbitrator's Association (LMAA) arbitration concerning the misdelivery into storage then to purported receivers of a cargo (led by David Lewis QC).
- Previously instructed in a US\$3.2 million International Chamber of Commerce (ICC) arbitration regarding off-specification acetone that was said to have deteriorated in storage.

## Company law

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- *Health & Home Ltd (in liquidation) and others v Elite Property Holdings Limited and others* (claim no: BL-2021-001722): Acting for a company in liquidation and its liquidators in a claim against former directors, shareholders and associated companies to recover sums alleged to be due in debt, by way of unpaid dividends, and as compensation for company assets sold at an undervalue prior to a creditor's voluntary liquidation.
- Currently instructed in a US\$2 million London Maritime Arbitrator's Association (LMAA) arbitration between shareholders in a joint venture company, where one shareholder is alleging breach of contract, breach of director's duties and fraud as against the other shareholder.
- *Aliyev v Partner Capital and others* (claim no. QB-2018-000502): £200,000 claim for damages where an investor alleged breach of contractual and fiduciary duties said to have been owed to him by two companies and various directors of the second company, where the investor engaged the services of the first company to advise the investor in acquiring a shareholding in the second company.
- *Re DeceasedUmbrella.com Limited* (claim nos: CR-2021-000623 & CR-2017-006482): Acting for the liquidators in a claim against a former director, seeking an account of certain dealings which are alleged to constitute wrongful dissipation of over £1million of company assets to preferred third parties in the face of the company's impending insolvency.

## Energy and infrastructure

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- Instructed in a US\$42 million International Chamber of Commerce (ICC) arbitration between shareholders in relation to the delayed construction of a shipping port (previously led by Philip Edey QC).
- Previously acted as tribunal secretary (to Julian Lew QC) in a US\$6 million *ad hoc* arbitration under UNCITRAL Arbitration Rules concerning the construction of a joint venture and financing agreement in relation to oil and gas exploration.

## Insolvency and restructuring

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- *Re Michael John Stanley, Re Layezy Limited and others* (claim nos: BR-2019-000453, CR-2019-001703, CR-2019-001704, CR-2019-001706 & CR-2019-001795): Acting for the trustees-in-bankruptcy and liquidators in the insolvency of an individual and certain associated companies following the collapse of a £53million betting syndicate which operated as a Ponzi scheme.
- *Health & Home Ltd (in liquidation) and others v Elite Property Holdings Limited and others* (claim no: BL-2021-001722): Acting for a company in liquidation and its liquidators in a claim against former directors, shareholders and associated companies to recover sums alleged to be due in debt, by way of unpaid dividends, and as compensation for company assets sold at an undervalue prior to a creditor's voluntary liquidation.
- *Re Robson Asset Management ManCo* [2020] EWHC 2880 (Ch): Acting for the petitioner in a contested winding up

petition, where the operator of a major London hotel sought the liquidation of its former management company in respect of a £1million debt.

- *Re Charter Projects (Developments) Limited* (claim no: CR-2019-008202): Acting for the former administrators of a company in a series of applications by both the director and the former administrators respectively to challenge and fix the basis of the former administrators' remuneration.
- *Asset LI Inc v Precision Holdings Limited Inc & another* (claim no: PT-2021-000056): Acting for the liquidators of a company against that company's former associated entities abroad to recover land, historically funded by the company but held in the names of the associated entities, on the basis that the company has a prevailing equity over the land.
- *Re DeceasedUmbrella.com Limited* (claim nos: CR-2021-000623 & CR-2017-006482): Acting for the liquidators in a claim against a former director, seeking an account of certain dealings which are alleged to constitute wrongful dissipation of over £1million of company assets to preferred third parties in the face of the company's impending insolvency.
- Previously instructed in a €24 million London Court of International Arbitration (LCIA) arbitration concerning a shipbuilding contract where the yard had entered a foreign insolvency process, raising cross-border insolvency issues.

## Jurisdiction, conflicts and enforcement

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- *Empeirikos v Xanthouli* (claim no. QB-2019-004578): €3 million claim in the Queen's Bench Division for an enforcement at common law of a Greek judgment which was under appeal.
- *Unwired Planet v Huawei* [2017] EWHC 2831 (Pat): Claim in Chancery Division concerning certain mobile communication patents, subsequently appealed to the Supreme Court. Previously instructed to obtain an anti-suit injunction to restrain litigation in the courts of the People's Republic of China (led by Thomas Raphael QC).
- Previously instructed in a €24 million London Court of International Arbitration (LCIA) arbitration concerning a shipbuilding contract where the yard had entered a foreign insolvency process, raising cross-border insolvency issues.

## Shipping

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- *CH Offshore v Internaves Consorcio Naviero and others* [2021] 1 Lloyd's Rep 465: Instructed by the arbitration claimants in an appeal from an arbitration award, wherein the claimant brokers were successful in their US\$10 million London Maritime Arbitrator's Association (LMAA) arbitration claim for commission in respect of certain long-term charters (led by Christopher Hancock QC).
- *FSL-25 v Torm Singapore* (claim no. CL-2018-000741): US\$1.9 million claim in the Commercial Court for wasted cost and lost profits following an allegedly defective redelivery of a vessel following a bareboat charterparty.
- Previously instructed in a US\$200 million London Maritime Arbitrator's Association (LMAA) arbitration concerning default under four bareboat-hire-purchase agreements (led by Nevil Philips of Quadrant Chambers).
- Previously instructed in a €24 million London Court of International Arbitration (LCIA) arbitration concerning a shipbuilding contract where the yard had entered a foreign insolvency process.
- Previously instructed in a US\$3 million London Maritime Arbitrator's Association (LMAA) arbitration in respect of an investment in a chartering business (led by Timothy Hill QC).
- Previously seconded to a Norwegian Defence Club.

## Technology, media and telecoms

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- *CMOC v Persons Unknown and others*[2019] Lloyd's Rep FC 62: US\$8 million claim in the Commercial Court to trace and recover funds that were stolen in a 'business email compromise' fraud, involving the first-known occasion that a worldwide freezing injunction has been granted against 'persons unknown' (led by Paul Lowenstein QC).
- *A v B* [2021]: Anonymised claim in the Commercial Court to obtain disclosure in England from a cryptocurrency exchange to assist in the prosecution abroad of those responsible for the multi-million pound theft and laundering of cryptocurrency.
- *I.F.T. S.A.L. Offshore v Barclays Bank Plc* [2020] EWHC 3125 (Comm): A victim of cyber fraud has permission to use disclosure obtained from the bank to pursue a claim against the bank directly, alleging that the bank is liable for the US\$250,000 fraud as having received and subsequently paid out the proceeds of the fraud.
- Previously instructed in a US\$200,000 London Maritime Arbitrator's Association (LMAA) arbitration between counterparties where a fraudster had perpetrated a cyber attack so as to procure the paying party under the contract to pay the fraudster instead of the payee party.

## Recommendations

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A honed analytical mind with knowledge beyond his years. Extremely user friendly with excellent communication skills. Thoroughly recommended. [The Legal 500 UK Bar 2022](#)

A bright, clear thinker, who has demonstrated a knack for devising creative legal arguments. [The Legal 500 UK Bar 2021](#)