ONE ESSEX COURT

E-mail: clerks@oeclaw.co.uk



Craig Orr KC

Barrister
Call 1986 Silk 2006

Scope of Practice

• Arbitration • Banking and Financial Services • Civil Fraud and Investigations • Commercial Litigation • Derivative Actions • Energy and Natural Resources • Insurance and Reinsurance • Professional Liability

Overview

Craig Orr KC undertakes a wide range of commercial disputes work including litigation and arbitration, both domestic and international. His expertise covers banking and financial services, civil fraud, professional negligence, shareholder and other corporate disputes, jurisdiction challenges, energy and natural resources, telecommunications, product liability and insurance.

He is recognised for his "extremely effective" advocacy and ability to give "strong strategic direction" and be "calm under pressure". He has been admitted as a member of the Bar in Bermuda, has acted as an expert on English law in various jurisdictions and also accepts appointments as an arbitrator.

Craig has consistently been recommended as a leading silk by the Chambers & Partners and Legal 500 directories, especially in the fields of commercial litigation, banking & finance, civil fraud and commercial arbitration.

Craig's recent cases include:

Maddox v *Grey GR LP*
Acting for a major pension fund in a dispute with a joint venture partner concerning ground rent investments, raising complex questions of partnership law and professional negligence.

Abdel-Kader & Others v Royal Borough of Kensington and Chelsea & Others
Acting for a product manufacturer in proceedings arising out of the Grenfell Tower fire. The issues include professional negligence on the part of architects, fire safety engineers, cladding specialists and building contractors; product liability; and liability of public authorities in negligence and under the Human Rights Act. Craig represented the same manufacturer in the Grenfell Tower Public Inquiry.

Financial Conduct Authority v Arch Insurance (UK) Ltd & Others
Acting for Zurich Insurance in proceedings brought by the FCA under the Financial Markets Test Case Scheme to resolve issues concerning business interruption insurance arising out of the Covid-19 pandemic. The Divisional Court's decision ([2020] EWHC 2448 (Comm)) was the subject of a leap-frog appeal to the Supreme Court: see [2021] UKSC 1.

The Libyan Investment Authority v Societe General SA
Acting for the Libyan Investment Authority in a billion-dollar claim for bribery, corruption and fraud arising out of complex derivative investments made by the LIA with Societe Generale. Whilst the case settled on confidential terms on the first day of a 4 month trial, a joint statement issued by Societe General and the LIA recorded an apology by Societe Generale for "the lack of caution of some of its employees" and confirmed that Societe Generale was paying €963m (approx $1 billion) as part of the settlement.

Morris-Garner v One Step (Support) Limited
Acting for the claimant in a landmark case concerning breach of a non-compete covenant which went to the Supreme Court on the issue of recoverability of negotiating damages (also known as Wrotham Park damages). This was the first occasion on which this "important question in relation to the law of damages" had been considered by the Supreme Court. See [2018] UKSC 20.

LIC Telecommunications Sarl v VTB Capital PLC
Acting for investors defending claims arising out of the restructuring and sale of a Bulgarian telecommunications business. Successive trials of preliminary issues were decided in the defendants' favour in December 2017 and May 2019. See [2018] EWHC 169 (Comm), Waksman J and [2019] EWHC 1747 (Comm), Moulder J.

Dar Al Arkan v Al Refai
Acting for Kroll in defending a US$500m claim for breach of confidence, defamation and fraud arising out of consultancy work in the Middle East. The case (one of The Lawyer's Top 20 Cases for 2015) generated numerous interim proceedings, including a successful application by Kroll to discharge interim injunctions against it for material non-disclosure and a subsequent application to commit one of the claimants' senior offices for providing false evidence to the Court. See [2012] EWHC 3539 (Comm); [2013] EWHC 4112 (Comm); [2014] EWHC 1055 (Comm) and [2014] EWCA Civ 749.

Fortress Value Recovery Fund v Blue Skye Special Opportunities Fund
Acting for a Luxembourg liquidator in a €200m fraud and conspiracy claim arising out of the restructuring of a European hedge fund investment group. The case (one of The Lawyer's Top 20 Cases for 2014) raised complex issues of jurisdiction, choice of law and application of the EU Insolvency Regulation. See [2013] EWHC 14 (Comm).

Examples of Recent Cases

Arbitration

Craig Orr has particularly extensive experience in dealing with bribery and corruption issues in commercial arbitration. He is a member of the working party which helped produce the toolkit published in 2019 by the Arbitration and Crime Competence Centre of the Basel Institute of Governance for arbitrators addressing issues of bribery and corruption in international commercial and investment arbitration.

"He is an excellent leader of junior barristers and works well with the solicitor team. His sense of humour comes through when things are at their toughest." Legal 500 2021 - International Arbitration: Counsel

"Craig possesses a rare combination of piercing intellect, studious attention to detail, and user-friendliness." Legal 500 2020 - International Arbitration: Counsel

"Fantastic at getting on top of complex and detailed issues quickly, and great with clients." Legal 500 2019 - International Arbitration: Counsel

LCIA Proceedings
Advising and acting for venture capital clients in connection with a major shareholder dispute arising out of ownership and operation of a sugar refinery in the Middle East.

ICC Proceedings

Advising and acting in a dispute arising out of the supply of a naval corvette to an African government, raising complex issues of design and construction of warships.

UNCITRAL Proceedings
Advising and acting in complex arbitration proceedings arising out of the design and construction of a military command and control centre, involving detailed issues concerning the design, supply and installation of sophisticated telecommunication and radar systems.

ICSID Proceedings
Advising and acting for a leading oil exploration and production company in disputes arising out of the drilling of exploration wells off the west coast of Africa.

Ad Hoc Proceedings
Advising and acting for a major food producer in a dispute arising out of the sale of a substantial pig breading business.

Ad Hoc Proceedings
Acting as an arbitrator in a dispute concerning the valuation of certain notes issued by a Dutch subsidiary of Lehman Brothers in the subsidiary's insolvency.

City Disputes Panel
Advising and acting for London Market insurers in complex arbitration proceedings arising out of the collapse of Enron. The proceedings involved investigation of numerous structured product transactions concluded by Enron allegedly for the purpose of inflating its profits.

Banking and Financial Services

"He is very focused and driven." "He really rolls up his sleeves and gets stuck in. He is a very good advocate as well." Chambers UK 2022 - Banking & Finance

"Without doubt, Craig is exceptional. He has encyclopaedic knowledge and is a razor-sharp lawyer at the top of his game." Legal 500 2021- Banking and Finance

"Incredibly thorough, very hard-working and properly clever." "He is brilliant at throwing himself into the detail of a complex matter." Chambers and Partners 2020 - Banking and Finance

"He is superb on his feet – calm and unflappable – and top drawer at cross-examination." Legal 500 2019 - Banking and Finance

"A really excellent barrister, who's a brilliant technical lawyer and hugely clever. He's very detail-orientated." "Brilliant on paper and also a very good advocate on his feet." Chambers and Partners 2019 - Banking and Finance

"Methodical, precise and meticulous in his preparation." Legal 500 2018 - Banking and Finance

"A technically brilliant lawyer who's also incredibly hard-working and very effective on his feet." "He's very careful, thorough, seriously analytical and possessed of good judgement and quiet authority." Chambers and Partners 2017 - Banking and Finance

"A hugely impressive individual, he is incredibly conscientious and incredibly intelligent. A safer pair of hands couldn't be at the wheel." "He is very bright, very painstaking and leaves no stone unturned." Chambers and Partners 2017 - Banking and Finance

'He is utterly excellent. His command of facts and ability to get up to speed quickly is truly remarkable. He's very considerate, highly approachable and his work is brilliant. Just exceptional.' 'He's fantastic - a very intellectual, thoughful guy. He has great attention to detail, he is easy to work with and gives good, clear advice on strategy and the merits of a case.' Chambers UK 2016

'Craig Orr KC is *"particularly good at unpicking complex financial problems"'* Legal 500, 2015

'Craig Orr KC's "*knowledge and instincts on banking and finance law are quite remarkable*"' Legal 500 2013

Financial Conduct Authority v Arch Insurance (UK) Ltd & Others

Acting for Zurich Insurance in proceedings brought by the FCA under the Financial Markets Test Case Scheme to resolve issues concerning business interruption insurance arising out of the Covid-19 pandemic, including complex issues of causation and contractual interpretation. The Divisional Court's decision ([2020] EWHC 2448 (Comm)) was the subject of a leap-frog appeal to the Supreme Court: see [2021] UKSC 1.

The Libyan Investment Authority v Societe General SA
Acting for the Libyan Investment Authority in a billion-dollar claim for bribery, corruption and fraud arising out of complex derivative investments made by the LIA with Societe Generale. Whilst the case settled on confidential terms on the first day of a 4 month trial, a joint statement issued by Societe General and the LIA at the time of the settlement recorded an apology by Societe Generale for "the lack of caution of some of its employees" and confirmed that Societe Generale was paying €963m (approx $1 billion) as part of the settlement.

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Otello Corporation v Moore Freres & Company
Acting for a New York venture capital firm in expedited proceedings in the Commercial Court arising out of the disputed sale of a 25% shareholding in an international software business. See [2018] EWHC 2347 (Comm).

Pamplona Strategic Investments v International Standard Asset Management
Acting for the Chairman of an alternative investment fund manager in a dispute concerning ownership and control of a systematic trend-following hedge fund. The case turned on (among other things) interpretation and application of pre-emption rights in a shareholders' agreement.

Re Etihad Notes
Advising and acting for a Gulf investor in a dispute concerning maturity and redemption of an investment in Leveraged Credit Linked Notes, linked to the performance of bonds issued by Etihad Aviation Group.

Dar Al Arkan & Others v (1) Al Refai, (2) Kroll Associates UK & Others
Acting for Kroll in defending US$500m claims brought in the Commercial Court raising allegations of breaches of banking law, regulation and practice in the Middle East, breach of confidence, defamation and fraud. The case (one of The Lawyer's Top 20 Cases for 2015) settled after commencement of a four month trial in the Commercial Court, having generated considerable interim proceedings including a successful application by Kroll to discharge interim injunctions against it for material non-disclosure and a subsequent application to commit one of the Claimants' senior officers for contempt of court for adducing false evidence to the Court. See [2012] EWHC 3539 (Comm), [2013] EWHC 4112 (Comm), [2014] EWHC 1055 (Comm) and [2014] EWCA Civ 749.

Frost v Capita Financial Managers
Acting for Capita in defending claims for negligence and breach of duty arising out of its role as authorised corporate director of the Arch Cru investment funds in Guernsey. The case involved complex issues of interpretation and application of the rules of the Collective Investment Scheme Sourcebook of the FSA (now FCA) Handbook. See [2014] EWHC 2650 (Ch).

Fortress Value Recovery Fund v Blue Skye Special Opportunities Fund
Acting for a Luxembourg liquidator in a €200m fraud claim arising out of the restructuring of a European hedge fund investment group. The case (one of The Lawyer's Top 20 Cases for 2014) raised complex issues of jurisdiction, choice of law and application of the Insolvency Regulation.

East Anglian Property v Bank of Scotland
Acting for Bank of Scotland in relation to a dispute concerning an ISDA interest rate hedging contract.

Lehman Brothers Treasury Company BV
Acting as an arbitrator in determination of a dispute concerning valuation of certain notes issued by a Dutch subsidiary of Lehman Brothers in the subsidiary's insolvency.

Glitnir Bank hf
Advising and acting for the liquidators of Glitnir Bank in various ISDA related disputes arising out of the Bank's winding up in Iceland. The disputes concerned interpretation of early termination and loss provisions and other contractual issues arising out credit facilities and notes issued by the Bank.

Lehman Brothers Special Financing Inc v Zealand Aluminium
Acting for a major aluminium trader in an ISDA related dispute arising out of early termination of the trader's positions with Lehman Brothers. The dispute concerned calculation of Loss and application of Market Quotation provisions.

Bank of Ireland
Advising Bristol & West bondholders in a dispute concerning their rights as bondholders following Bristol & West's acquisition by the Bank of Ireland in 2007.

Deutsche Bank v Chang Tse Wen
Acting as an expert on English law in a major derivative mis-selling action in the High Court of Singapore brought by a customer of Deutsche Bank's Private Wealth Management Unit. See [2012] SGHC 248; [2013] SGCA 49.

Wirecard v Scott
Acting for one of three defendants in fraud proceedings brought by Wirecard (a leading German credit card provider) arising out of the online sale of tickets for the Beijing Olympics. See [2010] EWHC 451 (QB).

Propco Holdings v The New South Ocean Development Company
Advising and acting for Canadian lenders in proceedings to enforce security over development land in the Bahamas.

The Investment DAR Company v Blom Development Bank
Acting for Blom Development Bank in landmark proceedings against The Investment DAR Company raising issues of enforceability of payment obligations under Shariah financing instruments.

Enron
Advising and acting in complex arbitration proceedings arising out of the collapse of Enron, involving investigation of numerous structured product transactions concluded by Enron allegedly for the purpose of inflating its profits.

Erste Group Bank v Cleobury Limited
Acting for Erste Group Bank in proceedings arising out of mezzanine loan financing provided to a major property group.

RBS v Holinvest
Advising and acting for Italian investors in proceedings arising out of ISDA swap transactions.

Ting v Akai
Acting for the former chairman of Akai Holdings, a major Asian conglomerate, in proceedings in Bermuda raising issues of economic duress and enforceability of settlement agreements.

Lawrence v Investec Bank (UK) Limited
Acting for Investec in proceedings brought by shareholders of Claims Direct plc arising out of the company's IPO on the London stock market.

JP Morgan v PrimaCom AG
Acting for JP Morgan in proceedings arising out of the collapse of Primacom, giving rise to complex jurisdictional issues under EU jurisdiction regulations.

UGC v Close Brothers Corporate Finance Limited
Acting for Close Brothers Corporate Finance in defending a £180m claim for fraud and negligence arising out of UGC's take-over of Partco plc.

Barings plc v Coopers & Lybrand
Acting for the liquidators of Barings Futures (Singapore) Pte in proceedings against its auditors arising out of the collapse of Barings plc. The claim raised complex issues concerning the audit and management of investment banks and their trading operations. It spawned extensive interim proceedings and gave rise to successive trials on liability and quantum. See [2002] 2 BCLC 364; [2003] EWHC 1319 (Ch) and [2003] EWHC 2371 (Ch).

Civil Fraud and Investigations

"He's very good at getting to grips to details quickly, is great on his feet and able to turn judges' opinions around quickly."
Chambers UK 2022 - Fraud: Civil

"Extremely conscientious, a first-rate technical legal mind and a strong advocate. He is an excellent leader of junior barristers and works well with the solicitor team." Legal 500 2021 - Fraud: Civil

"His exceptionally quick mind brings an unrivalled courtroom presence to bear and he has an outstanding ability to focus both clients and the court on the essentials of a complex case." Legal 500 2019 - Fraud: Civil

"He's very responsive and gets into the nitty gritty of the documents really quickly." "He has amazing attention to detail." Chambers and Partners 2020 - Fraud: Civil

"Very experienced." "A convincing, authoritative advocate." Chambers and Partners 2019 - Civil: Fraud

The Libyan Investment Authority v Societe General SA
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Acting for the Chairman of an alternative investment fund manager in a dispute arising out of an allegedly fraudulent sale of a stake in a systematic trend-following hedge fund. The case turned on (among other things) interpretation and application of pre-emption rights in a shareholders' agreement.

Dar Al Arkan v Al Refai
Acting for Kroll in defending US$500m claims brought in the Commercial Court arising out of the publication on a website of allegations of corporate wrongdoing and fraud against a major Saudi Arabian property development company and Bahraini bank. One of The Lawyer's Top 20 Cases for 2015. The case settled after commencement of a four month trial in the Commercial Court, having generated considerable interim proceedings, including a successful application by Kroll to discharge interim injunctions against it for material non-disclosure and a subsequent application to commit one of the Claimants' senior officers for contempt of court for adducing false evidence to the Court. See [2012] EWHC 3539 (Comm), [2013] EWHC 4112 (Comm), [2014] EWHC 1055 (Comm) and [2014] EWCA Civ 749

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Pathfinder Minerals plc v Veloso
Acting for Pathfinder Minerals in proceedings to recover mining licence rights allegedly misappropriated by a former director in Mozambique. Craig Orr obtained freezing and anti-suit injunctions against the former director, as well as final declaratory relief following a trial in the Commercial Court. He successfully resisted the director's appeal against the grant of declaratory relief. See [2012] EWHC 2856 (Comm); [2013] EWCA Civ 505.

Wirecard v Scott
Acting for one of three defendants in fraud proceedings brought by Wirecard (a leading German credit card provider) arising out of the online sale of tickets for the Beijing Olympics. See [2010] EWHC 451 (QB).

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Advising and acting in complex arbitration proceedings arising out of the collapse of Enron, involving investigation of numerous structured product transactions concluded by Enron allegedly for the fraudulent purpose of inflating its profits.

Ting v Akai
Acting for the former chairman of Akai Holdings, a major Asian conglomerate, in proceedings in Bermuda raising complex issues of economic duress, fraudulent breach of directors' duties and enforceability of settlement agreements.

UGC v Close Brothers Corporate Finance Limited
Acting for Close Brothers Corporate Finance in defending a £180m claim for fraud and negligence arising out of UGC's take-over of Partco plc.

KOTC v Al-Bader
Acting for the Kuwait Oil Tanker Corporation in fraud proceedings seeking recovery of substantial sums misappropriated by its former chairman. The case remains a leading authority on the tort of conspiracy in English law. See [2000] 2 All ER (Comm) 271

HRH Prince Mohamad Al Saud v Ayas
Acting for the Saudi Crown Prince, Sheikh Mohammed, in fraud proceedings seeking recovery of substantial sums misappropriated by one of the Prince's chief financial advisers.

Arab Monetary Fund v Hashim
Acting for the Arab Monetary Fund in fraud and bribery proceedings against its former President.

Commercial Litigation

"Very fluent in the law and a workaholic. He has an impressive way and style about him." Chambers UK 2022 -Commercial Dispute Resolution

"He is tremendously hard working, clever, and a top guy. He is just so talented and will just roll up his sleeves and get stuck in." Legal 500 2021 - Commercial Litigation

"He is really really good; he's clever and he gets stuck in." Chambers Global 2021 - Commercial Dispute Resolution

"Will always be someone at the top of my list for any commercial and complex disputes." Legal 500 2020 - Commercial Litigation

"Craig has a calm and unflappable demeanour, and an ability to see the bigger picture." "It's a joy to have him as an opponent, because you can then just focus on the issues and save both clients money." Chambers and Partners 2020 - Commercial Dispute Resolution

"A skilled, calm advocate who engages with everyone in the team, and concerns himself with every detail right down to the pagination in a trial bundle." "He's brilliant on the paperwork and also a very good advocate." Chambers and Partners 2019 - Commercial Litigation

"Thorough, thoughtful and a tenacious advocate." Legal 500 2019 - Commercial Disputes Resolution

"Takes an excellent tactical approach to litigation, and is an extremely effective advocate." "He's got quiet authority and is seriously analytical." Chambers and Partners 2018 - Commercial Dispute Resolution

"Usually five steps ahead of everyone else; fills those around him with complete confidence." Legal 500 2018 - Commercial Litigation

"He is a fantastic leader who gives strong strategic direction and is calm under pressure." "An insightful and different counsel who is always very responsive." Chambers and Partners 2017 - Commercial Dispute Resolution

"Expert excellent. His ability to get up to speed quickly and his command of the facts is truly remarkable." "He is incredibly hard working and user friendly." Chambers UK 2016

"Active on some of the most high-profile and substantial commercial disputes of the day." Chambers UK 2015

"Demonstrates capability handling multi-jurisdictional proceedings" and *"is well-versed in many aspects of commercial law."* Chambers UK 2015

Maddox v Grey GR LP
Acting for a major pension fund in a dispute with a joint venture partner concerning ground rent investments, raising complex questions of partnership law and professional negligence.

Abdel-Kader & Others v Royal Borough of Kensington and Chelsea & Others
Acting for a product manufacturer in proceedings arising out of the Grenfell Tower fire. The issues include

professional negligence on the part of architects, fire safety engineers, cladding specialists and building contractors; product liability; and the liability of public authorities in negligence and under the Human Rights Act. Craig is also representing the manufacturer in the Grenfell Tower Public Inquiry.

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Frost v Capita Financial Managers
Acting for Capita in defending claims for negligence and breach of duty arising out of its role as authorised corporate director of the Arch Cru OIEC investment funds in Guernsey. The case involved complex issues of interpretation and application of the rules of the Collective Investment Scheme Sourcebook of the FSA (now FCA) Handbook. See [2014] EWHC 2650 (Ch).

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Acting for Pathfinder Minerals in proceedings to recover mining licence rights allegedly misappropriated by a former director in Mozambique. Craig Orr KC successfully obtained freezing and anti-suit injunctions against the former director, as well as final declaratory relief following a trial in the Commercial Court. He successfully resisted the director's appeal against the grant of declaratory relief. See [2012] EWHC 2856 (Comm); [2013] EWCA Civ 505.

Huthart v News Corporation
Acting as an expert on English law in breach of confidence and privacy proceedings brought in California by a media

celebrity against News Corp for allegedly hacking into her mobile phone.

Glitnir Bank hf
Advising and acting for the liquidators of Glitnir Bank in various disputes arising out of the Bank's winding up in Iceland, including disputes concerning interpretation of early termination and loss provisions in ISDA contracts and other contractual issues arising out credit facilities and notes issued by the Bank.

William Hill Organisation Limited v Playtech
Acting for William Hill in proceedings arising out of its online gambling joint venture with Playtech, raising issues of construction and implication of terms in joint venture agreements. See [2011] EWHC 836 (Comm).

Re Bank of Ireland
Advising Bristol & West bondholders in a dispute concerning their rights as bondholders following Bristol & West's acquisition by the Bank of Ireland in 2007.

Deutsche Bank v Chang Tse Wen
Acting as an expert on English law in a major derivative mis-selling action in the High Court of Singapore brought by a customer of Deutsche Bank's Private Wealth Management Unit. See [2012] SGHC 248; [2013] SGCA 49.

Medical locums
Advising and acting for medical locum agencies in disputes arising out of the government's framework agreements for the supply of medical locums to NHS Trusts. Craig Orr KC has advised and acted for agencies in disputes concerning (among other things) appointment of framework suppliers, escalation and alleged over-charging.

Wirecard v Scott
Acting for one of three defendants in fraud proceedings brought by Wirecard (a leading German credit card provider) arising out of the online sale of tickets for the Beijing Olympics. See [2010] EWHC 451 (QB).

The Investment DAR Company v Blom Development Bank
Acting for Blom Development Bank in landmark proceedings against The Investment DAR Company concerning enforceability of payment obligations under Shariah financing instruments.

Eurocall v Energis
Acting in contractual proceedings raising issues of champerty and enforceability of assignment of claims. See [2010] EWHC 1730 (QB).

Enron
Advising and acting in complex arbitration proceedings arising out of the collapse of Enron, involving investigation of numerous structured product transactions concluded by Enron allegedly for the purpose of inflating its profits.

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Acting for Erste Group Bank in proceedings arising out of mezzanine loan financing provided to a major property group.

Ting v Akai
Acting for the former chairman of Akai Holdings, a major Asian conglomerate, in proceedings in Bermuda raising complex issues of economic duress and enforceability of settlement agreements.

Lawrence v Investec Bank (UK) Limited
Acting for Investec in proceedings brought by shareholders of Claims Direct plc arising out of the company's IPO on the London stock market.

UGC v Close Brothers Corporate Finance Limited
Acting for Close Brothers Corporate Finance in defending a £180m claim for fraud and negligence arising out of UGC's take-over of Partco plc.

Peskin v Anderson
Acting (with Lord Grabiner KC) in defending proceedings brought against the RAC's Committee for alleged breach of fiduciary and other duties arising out of the sale of the Club's automotive recovery division. The claims were struck out by Neuberger J, whose decision was upheld on appeal. See [2001] BCC 874; [2000] BCC 1110.

Barings plc v Coopers & Lybrand
Acting for the liquidators of Barings Futures (Singapore) Pte in proceedings against its auditors arising out of the collapse of Barings plc. The claim raised complex issues concerning the audit and management of investment banks and their trading operations. It spawned extensive interim proceedings and gave rise to successive trials on liability and quantum (see further under Banking & Finance above).

Vertex Data Science Limited v Powergen Retail Limited
Acting for Powergen in proceedings arising out of termination of long-term contracts for the outsourcing of customer service functions. See [2010] EWHC 1730 (Comm).

Company, Shareholder and Joint Venture Disputes

Maddox v Grey GR LP
Acting for a major pension fund in a dispute with a joint venture partner concerning ground rent investments, raising complex questions of partnership law and professional negligence.

Otello Corporation v Moore Freres & Company
Acting for a New York venture capital firm in a dispute between the majority and minority shareholders of an international software business. See [2018] EWHC 2347 (Comm).

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Acting for Investec in proceedings brought by shareholders of Claims Direct plc arising out of the company's IPO on the London stock market.

UGC v Close Brothers Corporate Finance Limited
Acting for Close Brothers Corporate Finance in defending a £180m claim for fraud and negligence arising out of UGC's take-over of Partco plc.

Peskin v Anderson
Acting (with Lord Grabiner KC) in defending proceedings brought against the RAC's Committee for alleged breach of fiduciary and other duties arising out of the sale of the Club's automotive recovery division. The claims (which turned on application of the law concerning fiduciaries and other office holders) were struck out by Neuberger J, whose decision was upheld on appeal. See [2001] BCC 874; [2000] BCC 1110.

Barings plc v Coopers & Lybrand
Acting for the liquidators of Barings Futures (Singapore) Pte in proceedings against its auditors arising out of the collapse of Barings plc. The claim raised complex issues concerning the audit and management of investment banks and their trading operations. It spawned extensive interim proceedings and gave rise to successive trials on liability and quantum (see further under Banking & Finance above). See [2002] 2 BCLC 364; [2003] EWHC 1319 (Ch) and [2003] EWHC 2371 (Ch).

Energy and Natural Resources

Pathfinder Minerals plc v Veloso
Acting for Pathfinder Minerals in proceedings to recover mining licence rights allegedly misappropriated by a former director in Mozambique. Craig Orr KC successfully obtained freezing and anti-suit injunctions against the former director, as well as final declaratory relief following a trial in the Commercial Court. He successfully resisted the director's appeal against the grant of declaratory relief. See [2012] EWHC 2856 (Comm); [2013] EWCA Civ 505.

Agiunda v Chevron Corporation
Advising in relation to enforceability of judgments against Chevron Corporation for environmental pollution and other damage to indigenous communities in Ecuador.

ICSID Proceedings
Advising and acting for a leading oil exploration and production company in disputes arising out of the drilling of exploration wells off the west coast of Africa.

Amoco (UK) Exploration Company v Shell (UK) Limited
Acting for Western Atlas International in a dispute concerning determination of a North Sea oil field, raising complex issues of geophysics, geology and petrophysics.

Semeuro v Petroplus Milford Haven Holdings
Acting for Petroplus in defending claims for breach of warranty arising out of the sale of an operator of the LNG terminal at Milford Haven.

Vertex Data Science Ltd v Powergen Retail Ltd
Acting for Powergen in a contractual dispute concerning the outsourcing of customer service functions.

E.ON
Acting for E.ON in a contractual dispute concerning the provision of energy efficiency products as part of E.ON's Carbon Emission Reduction Target (CERT) obligations.

Insurance and Reinsurance

Craig Orr KC has wide experience of all aspects of insurance law, ranging from coverage disputes to negligence claims concerning professionals. His recent arbitration work in the insurance field includes financial 'spread loss' reinsurance and a series of aggregation disputes on solicitors' professional indemnity policies. Examples of High Court cases in which he has acted are given below.

Financial Conduct Authority v Arch Insurance (UK) Ltd & Others
Acting for Zurich Insurance in proceedings brought by the FCA under the Financial Markets Test Case Scheme to resolve issues concerning business interruption insurance arising out of the Covid-19 pandemic, including complex issues of causation and contractual interpretation. The Divisional Court's decision ([2020] EWHC 2448 (Comm)) was the subject of a leap-frog appeal to the Supreme Court: see [2021] UKSC 1.

HLB Kidsons v Underwriters
Acting for insurers, both at first instance and in the Court of Appeal, on a landmark case concerning notification under professional indemnity policies. See [2009] 2 All ER (Comm) 81.

Quinta v Warrington

Acting for contingency insurers in proceedings arising out of cancellation of Michael Jackson concerts. See [2000] LRIR 81.

Society of Lloyd's litigation
Advising and acting for various Lloyd's Names action groups in litigation against both members and managing agents and the Society of Lloyd's. See Society of Lloyd's v Clementson [1995] LRLR 307 and Society of Lloyd's v Leighs [1997] CLC 1398.

Capel-Cure Myers v McCarthy
Acting for indemnity insurers in coverage disputes arising out of the Maxwell saga. See [1995] LRLR 498.

Online Gaming, IT and Telecommunications

UNCITRAL Proceedings
Advising and acting in complex arbitration proceedings arising out of the design and construction of a military command and control centre, involving detailed issues concerning the design, supply and installation of sophisticated telecommunication and radar systems.

Professional Negligence and Liability

Craig Orr has extensive experience of acting for both claimants and defendants in professional negligence actions. He has particular expertise of negligence claims against auditors, investment bankers and other investment professionals. Other categories of professional defendants for (or against) whom he has acted include solicitors, insurance brokers and Lloyd's underwriters. He co-edits the chapter on Strategy & Tactics in Professional Negligence and Liability, published by Informa. He has been described as *"a very capable silk"* and *"strong on professional negligence"* by the Legal 500.

"Strong on professional negligence." Legal 500 2018 - Professional Negligence

Abdel-Kader & Others v Royal Borough of Kensington and Chelsea & Others
Acting for a product manufacturer in the Public Inquiry and civil proceedings arising out of the Grenfell Tower fire. The issues include professional negligence on the part of architects, fire safety engineers, cladding specialists, mechanical & engineering contractors and building contractors.

Dar Al Arkan v Al Refai
Acting for Kroll in high value Commercial Court proceedings raising complex issues of banking practice in the Middle East. The allegations included failure by Bahraini financial institutions to conduct adequate KYC and customer due diligence in connection with 'name lending' to Saudi Arabian property companies. See [2012] EWHC 3539 (Comm); [2013] EWHC 4112 (Comm); [2014] EWHC 1055 (Comm); and [2014] EWCA Civ 749.

Emma Rowntree Frost v Capita Financial Managers
Acting for Capita in defending professional negligence claims arising out of its role as Authorised Corporate Director of the Arch Cru investment funds in Guernsey. The funds invested in offshore cell companies which in turn invested in a range of alternative assets. When trading in the funds was suspended, investors claimed compensation from Capita in respect of the losses they had suffered, alleging negligence and breach of COLL rules. The case also involved complex valuation and quantum issues. See [2014] EWHC 2650 (Ch).

HLB Kidsons v Underwriters
Acting for insurers in connection with professional negligence claims against Baker Tilley's specialist tax advice unit (known as Solutions @ Fiscal Innovation Ltd). The case went to the Court of Appeal on an issue concerning notification under professional indemnity policies (on which it remains the leading authority). See [2009] 2 All ER (Comm) 81.

Heffernan v BDO
Acting for the claimants in negligence proceedings arising out of tax advice given by BDO in connection with the structuring and sale of the claimants' business interests.

Barings plc v Coopers & Lybrand
Acting for the liquidators of Barings Futures (Singapore) Pte in negligence proceedings against the company's former auditors arising out of the collapse of the Barings group following discovery of Nick Leeson's rogue trading on the SIMEX futures exchange. The case is one of the few major audit negligence actions to have gone to judgment on both liability and quantum, involving detailed examination of audits conducted by both Deloitte and Coopers &

Lybrand in the years preceding Barings' collapse. See [2002] 2 BCLC 364; [2003] EWHC 1319 (Ch) and [2003] EWHC 2371 (Ch).

Eagle Trust v SBC Securities
Acting for the liquidators of Eagle Trust in professional negligence proceedings against Swiss Bank Corporation arising out of the bank's underwriting of a public share issue for Eagle Trust.

British & Commonwealth Holdings v Quadrex
Acting (with Lord Grabiner KC) for British & Commonwealth in negligence proceedings against Samuel Montagu Merchant Bank arising out of Samuel Montagu's conduct of the sale of the money-broking division of a financial conglomerate.

Caparo Industries plc/Fidelity plc audit negligence actions
Acting for Caparo Industries plc, and subsequently Fidelity plc, in actions against Fidelity's former auditors, Touche Ross & Co, following Caparo's take-over of Fidelity in reliance upon statutory accounts audited by Touche Ross. Caparo's action went to the House of Lords on a preliminary issue on the scope of an auditor's duty of care (on which it remains the leading authority): Caparo v Dickman [1990] 2 AC 605. Following the House of Lord's decision denying Caparo a direct claim against Touche Ross, Craig Orr acted for Fidelity in bringing its own claim against Touche Ross for the negligent audit of Fidelity's accounts.

Prime Property Investment Nominees v Halliwells LLP
Acting for the claimant in solicitors' negligence proceedings arising out of invalid execution of a commercial lease.

Paragon Finance PLC v Freshfields
Acting for Paragon in solicitors' negligence proceedings arising out of mortgage securitisation transactions.

Janson Green and Cuthbert Heath actions
Acting for Lloyd's Names on Janson Green and Cuthbert Heath syndicates in claiming compensation for long-tail underwriting losses from Lloyd's managing and members agents, and Lloyd's auditors. The actions led, together with other Names' actions, to a market wide settlement involving the restructuring of the Lloyd's market.

What the Directories Say

"Craig Orr brings a fierce intellect to all of his work. He is incredibly responsive and has a sharp eye for detail, while simultaneously considering the big picture, strategic points that are required to drive the matter forward."
(Chambers UK 2027 - Commercial Dispute Resolution)

"Craig is an excellent leader. He is smart, thorough and thinks around corners. He is very hands-on and easy to work with."(Chambers UK 2027 - Commercial Dispute Resolution)

"Craig's technical legal knowledge and strategic thinking are second to none. He has an extraordinary grasp of the complex legal and commercial issues at play, and his analysis is penetrating and insightful. Despite the demands of the litigation, he remains clear and concise in his communication. He combines intellectual rigour with empathy and excellent client care. I would not hesitate to instruct him again and would recommend him without reservation. He is a great gift to the Bar."(Chambers UK 2027 - Commercial Dispute Resolution)

"Craig Orr KC is fantastic – very strong and I thoroughly recommend him."(Chambers UK 2027- Banking & Finance)

"One of the hardest working KCs at his level, his attention to detail is second to none. He knows fraud like few others; one of the greats."(Chambers UK 2027- Banking & Finance)

"Craig Orr is probably the brightest person I have ever met. No stone is left unturned, and his written work is great too. He is very thorough and is a silk you can completely trust."(Chambers UK 2027- Banking & Finance)

"He is hugely on top of the details from the start, and not afraid to roll his sleeves up and do the heavy lifting on the analysis."(Legal 500 2027 - Banking and finance (including consumer credit))

"A barrister with a brilliant strategic mind, who really gets into the weeds. He knows how to get a judge on side and is very authoritative." "A standout individual, who treats the team with so much consideration. He has unusual traits as a leader in

that respect." "Absurdly clever and a very persuasive advocate. He is a delight to work with because he is so responsive." "Craig understands the clients and makes them relaxed. His drafting is very good as well." "His work ethic and the hours he puts in to deal with very difficult points make him absolutely phenomenal." (Chambers UK 2026 - Commercial Dispute Resolution)

"Craig is utterly exceptional. He gives the client complete confidence even on the most difficult cases." "He has great attention to detail and is a consummate team player." (Chambers UK 2026 - Banking & Finance)

"Craig's attention to detail is extraordinary. He never loses sight of the bigger picture. His oral advocacy is very powerful." (Legal 500 2026 - Banking and Finance)

"Craig's attention to detail is extraordinary. His oral advocacy is very powerful." (Legal 500 2026 - Commercial Litigation)

"He was just brilliant; his grasp of detail was incredibly impressive." (Chambers UK 2024 - Banking & Finance)

"Craig Orr is exceptionally well rounded and able to add commercial nous at all stages of litigation and mediation." (Chambers UK 2024 - Commercial Dispute Resolution)

"He's very good at getting to grips to details quickly, is great on his feet and able to turn judges' opinions around quickly." (Chambers UK 2022 - Fraud: Civil)

"He is very focused and driven." "He really rolls up his sleeves and gets stuck in. He is a very good advocate as well." (Chambers UK 2022 - Banking & Finance)

"Very fluent in the law and a workaholic. He has an impressive way and style about him." (Chambers UK 2022 Commercial Dispute Resolution)

"Without doubt, Craig is exceptional. He has encyclopaedic knowledge and is a razor-sharp lawyer at the top of his game." (Legal 500 2021- Banking and Finance)

"Extremely conscientious, a first-rate technical legal mind and a strong advocate. He is an excellent leader of junior barristers and works well with the solicitor team." (Legal 500 2021 - Fraud: Civil)

"His exceptionally quick mind brings an unrivalled courtroom presence to bear and he has an outstanding ability to focus both clients and the court on the essentials of a complex case." (Legal 500 2020 - Civil: Fraud)

"Craig possesses a rare combination of piercing intellect, studious attention to detail, and user-friendliness." (Legal 500 2020 - International Arbitration: Counsel)

"Craig has a calm and unflappable demeanour, and an ability to see the bigger picture." "It's a joy to have him as an opponent, because you can then just focus on the issues and save both clients money." (Chambers and Partners 2020 - Commercial Litigation)

"He is superb on his feet – calm and unflappable – and top drawer at cross-examination." (Legal 500 2019 - Banking and Finance)

"Thorough, thoughtful and a tenacious advocate." (Legal 500 2019 - Commercial Litigation)

"A skilled, calm advocate who engages with everyone in the team, and concerns himself with every detail right down to the pagination in a trial bundle." "He's brilliant on the paperwork and also a very good advocate." (Chambers and Partners 2019 - Commercial Litigation)

"Usually five steps ahead of everyone else; fills those around him with complete confidence." (Legal 500 2018 - Commercial Litigation)

"Strong on professional negligence." (Legal 500 2018 - Professional Negligence)

"He is a fantastic leader who gives strong strategic direction and is calm under pressure." "An insightful and different counsel who is always very responsive." (Chambers and Partners 2017 - Commercial Dispute Resolution)

Education & Publications

Education

BA in law, Downing College, Cambridge (1984);
B.C.L., University College, Oxford (1985)

Vinerian Scholarship for best result in B.C.L. (1985)
Harmsworth Scholarship, Middle Temple (1985-1986)
Fox Scholarship, Middle Temple (1986-1987)

Publications

Craig has contributed to publications in a number of his practice areas, including:

Carriage by Air (Butterworths, 2001)

Professional Negligence and Liability (Informa), from 2004–2022

Toolkit for Arbitrators – guidelines on corruption and money laundering in international arbitration (Basel Institute on Governance, 2019)

Blockchain: Legal & Regulatory Guidance (The Law Society, 2022)

Elgar Concise Encyclopedia of Corruption Law (Edward Elgar Publishing, 2023)

Awards

2027 Chambers Ranked in UK Bar
Craig Orr KC

Legal500 LEADING SILK 2027

ONE ESSEX COURT

Contact Clerks



Darren Burrows
Senior Clerk
+44 (0)20 7520 4611
dburrows@oeclaw.co.uk



Rob Smith
Deputy Senior Clerk
+44 (0)20 7520 4612
rsmith@oeclaw.co.uk



Jade Cassell
Deputy Team Leader
+44 (0)20 7520 4614
jcassell@oeclaw.co.uk



Ben O'Hanlon
Deputy Team Leader
+44 (0)20 7520 4604
bohanlon@oeclaw.co.uk



Jodie Ellerington
Team Leader's Assistant
+44 (0)20 7520 4620
JEllerington@oeclaw.co.uk



Calum Jenkins
Clerk
+44 (0)20 7520 4821
cjenkins@oeclaw.co.uk



Isabella Uzal

Clerk
+44 (0)20 7520 4780
iuzal@oeclaw.co.uk