



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, injunctions, shareholder disputes, revenue, and defamation – often with a jurisdictional or conflict of laws element. He is equally happy appearing unled or as part of a wider counsel team. He is currently instructed to appear in the Supreme Court in relation to a dispute between two Russian oligarchs, and to act as part of a counsel team for the Danish tax authority in *SKAT v Solo Capital Partners LLP* (one of The Lawyer's top 20 cases for 2021).

Before joining chambers, Harry qualified as a solicitor in Australia in 2018, and worked in the London office of the magic circle firm Linklaters. He also worked in the Office of General Counsel of Plan International, a US\$1 billion international humanitarian and development organisation, active in 77 countries and impacting the lives of 40 million children each year.

Alongside practice, Harry maintains an active interest in academic law. He is a co-author of the leading textbook on the CPR, *Zuckerman on Civil Procedure*, and the author of more than ten peer-reviewed journal articles including in the *Law Quarterly Review* and *Civil Justice Quarterly*. He previously taught advocacy to undergraduate mooters at Oxford University, and remains one of the question-writers for the bar exams.

Examples of recent instructions

Gorbachev v Guriev: acting in the Court of Appeal for Cypriot trustee companies in a long-running dispute between two Russian oligarchs (led by Sam O'Leary). The decision breaks new ground as to the jurisdictional scope of third party disclosure orders; permission is currently being sought to appeal to the Supreme Court.

Skatteforvaltningen v Solo Capital Partners LLP: acting for the Danish tax authorities in a £1.5 billion fraud claim in respect of allegedly fraudulent withholding tax applications (led by Michael Fealy KC, James Goldsmith KC, and Sam O'Leary among others). In the words of Foxton J, "one of the largest and most complex pieces of litigation to be heard in the Commercial Court". This case was one of The Lawyer's top 20 cases for 2021.

Examples of Recent Cases

Commercial Litigation

- *Gorbachev v Guriev*: acting in the Court of Appeal for Cypriot trustee companies in a long-running dispute between two Russian oligarchs (led by Sam O'Leary). The decision breaks new ground as to the jurisdictional scope of third party disclosure orders; permission is currently being sought to appeal to the Supreme Court.
- Confidential shareholder dispute: as a pupil, assisted in advising on claims by shareholders concerning failure to disclose material information in a \$90bn merger.

Civil Fraud

- *Vale SA v Steinmetz*: as a pupil, assisted Sonia Tolaney QC, Sebastian Isaac QC and others to represent a Brazilian mining company in its US\$1.8 billion claim alleging misrepresentation and conspiracy in relation to the allegedly corrupt procurement of mining licences in the Republic of Guinea.
- *Lonestar Communications v Kaye*: as a pupil, assisted Neil Kitchener QC and Andrew Lodder to represent 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. This case was one of The Lawyer's top 20 cases for 2022.

Tax and Revenue

- *Skatteforvaltningen v Solo Capital Partners LLP*: acting for the Danish tax authorities in a £1.5 billion fraud claim in respect of allegedly fraudulent withholding tax applications (led by Michael Fealy KC, James Goldsmith KC, and Sam O'Leary among others). In the words of Foxton J, "one of the largest and most complex pieces of litigation to be heard in the Commercial Court". This case was one of The Lawyer's top 20 cases for 2021.
- *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.
- Confidential tax dispute: at Linklaters, acting for a financial institution in an anti-avoidance appeal concerning £1 billion in deductible losses.

Arbitration

- Confidential arbitration: as a pupil, assisted Alex Gunning QC, Sebastian Isaac QC and others to represent a Dutch infrastructure investment company in a dispute with its joint venture partner in relation to the building of a deep water grain terminal in on the Russian black sea coast. The terminal is a potentially extremely valuable and strategic asset, as one of very few warm water deep sea locations in Russian territory.

Other

- UEFA claims: advising on potential claims arising out of police violence towards Liverpool fans in the 2022 Champions League final in Paris.
- Russian sanction claims: advising on the permissibility of supplies of medicine to hospitals and patients in Russia in light of the UK sanctions regime.
- Hayes v Pack: Assisted Richard Mott in representing the Liberal Democrats in a dispute over the election of their President.
- Political parties: Advised political and campaigning organisations (including an affiliate of a major UK political party and the successor organisation of the Communist Party of Australia) 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.
- 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.

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 and Dissent (social justice law journal).

2006-2011 Sydney Grammar School

- Undergraduate offers from Harvard, Yale and Princeton Universities.
- 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.

Publications

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.
- 'Guilt by Lottery' (2022) *Criminal Law Journal* (forthcoming).
- 'Jersey Gets in on Bilateral Investment Treaty Action' (23 February 2021) *Global Arbitration Review*.

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.

Employment & Work Experience

2021

Office of General Counsel, Plan International

Seconded from Linklaters LLP

2019-2021

Legal Adviser, Linklaters

Primarily working in the Tax and Disputes teams

2018, 2021

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

Awards



Contact Clerks



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