



Brian Simms QC

Senior Partner

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Overview

Brian Simms QC is the Senior Partner of the firm and the head of its Litigation and Insolvency & Restructuring Groups. He is one of the Bahamas' leading advocates and has vast experience in the Supreme Court and the Court of Appeal, in addition to having appeared a number of times in the Privy Council.

He was made a Queen's Counsel in 2009 and is instructed in the most substantial Bahamian and international offshore cases.

Ranked in Band 1 for Chambers Global 2020 and Chambers HNW Guide 2020, Brian is described by clients as "**a top offshore Silk**" and "**the best litigation lawyer in the Bahamas**".

The legal directories continually rank Brian as a tier one litigator and praise him for the quality of his work and expertise in commercial litigation, trust disputes, insolvency and fraud cases.

Examples of recent work:

- *Matteo Volpi v Delanson Services Ltd & Gabriele Volpi* – Acting for Delanson Services Ltd in a challenge to the Bahamian Court's jurisdiction and to set aside injunctions.
- Lead counsel in *AWH v ZCM Asset Holding Company Limited* – Insolvency matter concerning the right of a Liquidator to serve proceedings out of the jurisdiction in relation to a fraudulent preference.
- Bahamar Insolvency 2015 and on going – Acted as lead counsel for the Import Export Bank of China with its disputes with the Mortgagor and developer including the successful opposing of the recognition of Chapter 11 proceedings. Also acted as lead counsel for the Reciever-Managers of the Bahamar properties in multiple court proceedings arising from the completion and sale of the 3.5 billion dollar project.
- Acting as lead counsel for UBS in a matter against Standard Charter Bank concerning losses arising from indirect investments in various Madoff funds. Trial set for 2018.
- *Rhone Trustees (Bahamas) Ltd v Beneficiaries A,B,C and D* – Acting as lead counsel for two minor beneficiares in anti suit injunction proceedings, preemptive costs proceedings and breach of trust as well as construction proceedings.
- Acting for PowerSecure Ltd in termination of its relationship with Bahamas Power and Light Company Ltd. September 2017
- *JMF Foundation v JMF Estate* – Acting as lead counsel for the Trustees in a dispute with the estate over the ownership of assets and the validity of a declaration of Trust. 2017
- Expert Witness of Bahamian Trust and Corporate Law in *Christina Crociani et al v Edoarda Crociani et al*, Royal Court of Jersey, September 2017

- Expert Witness in *Citibank v Lehman Brothers*, United States Bankruptcy Court Southern District of New York in relation to insolvency law of The Bahamas 2016.

RECENT (2020)

- [Private Client Global Elite: Trust & Estates Litigation Forum](#)

Marrakech, Morocco - 26-28 February 2020

Brian spoke in the session: **'Conflict of laws: Exclusive jurisdiction clauses in trusts'**, which took place on Friday 28 February 2020.

RECENT (2019)

- [INSOL & Risa: One Day Joint Seminar](#)

Nassau, The Bahamas - 05 December 2019

Panelist on **'Where do I go for the best chance of recovering value for stakeholders?'**

The panel discussed recent decisions relating to clawback claims and the obstacles involved in bringing such claims, addressing the powers and remedies available to officeholders in each jurisdiction.

- [OffshoreAlert Brazil 2019](#)

Sao Paulo, Brazil - 16-17 September 2019,

Panelist on **'Asset Recovery Latin America: Tips From The Experts'**

Leading international fraud and value recovery attorneys discussed emerging and dominant issues that impact the ability to be successful and effective in Latin America.



Practice Areas

- Litigation & Dispute Resolution
- Insolvency & Restructuring
- Trust & Foundations
- Private Client

Recommendations

Brian has been consistently ranked Band 1 in Chambers Global for many years, as well as being ranked Band 1 in Chambers High Net Worth Guide which focuses on the international private wealth market.

He is ranked by The Legal 500 Caribbean, Who's Who Legal for Litigation and Asset Recovery and is recognised in Citywealth's list of the [Top 100 Trust Litigators and Polymaths](#). He was also named the exclusive winner of Lexology's [Client Choice Award 2020](#) for Litigation in The Bahamas.

Senior Partner Brian Simms QC is highly esteemed in the Bahamas as one of the jurisdiction's leading litigators. He draws particular acclaim for his work in the financial services sector, and has a wealth of experience handling disputes stemming from insolvency and liquidation proceedings. (Chambers Global 2021)

Brian Simms QC is a hugely admired practitioner in this market. One of Simms' Bahamian peers reports that **"he does some big trust litigation work and is one of the few attorneys on the island to do this to a high level."** A local fiduciary describes Simms as **"a brilliant litigator and a steady hand,"** adding that **"he has very interesting thoughts on complex matters and is good to bounce ideas off."** Simms also attracts strong praise from onshore lawyers for his work on high-value Bahamas trusts cases. One such source says that, on a recent matter, Simms was **"very focused, very efficient, highly experienced and well regarded – a pleasure to work with."** (Chambers HNW 2020)

"Exceptionally smart and well informed. Established career. Resilient and thoughtful". (Citywealth Leaderslist 2020)

*"Brian Simms QC has established himself as a popular choice for global companies encountering disputes in the Bahamas. His wide-ranging practice covers contentious trusts, insurance liability and insolvency matters. One commentator described him as **"excellent, an incredibly strong lawyer."** (Chambers Global 2020)*

*"Brian Simms QC is recognised by peers as **"one of the best lawyers in the Bahamas"** in the asset recovery space, and a top choice for international offshore fraud and commercial litigation proceedings." (Who's Who Legal 2020)*

Brian is recognised as a **"go-to lawyer for any serious dispute"** and **"a standout practitioner in the Bahamas"** (The Legal 500 Caribbean, 2020)

He is described by clients as a **"a top offshore silk,"** in Chambers Global and is one of the jurisdiction's most **"highly regarded"** litigators. "He deals with the most substantial cases" and is **"one of the strongest players out there"**.

Clients praise his formidable **"depth of knowledge and experience"** and **"clear and robust"** style, appreciating his no nonsense approach he's noted for "telling you straight where you are and if you are likely to win".

Brian Simms QC is "the best litigation lawyer in the Bahamas," states one interviewee, explaining: **"He prepares well and is excellent in court."**

Another adds: **"He really understands clients' objectives, he is very familiar with the legal framework and is very good at marrying the two skills of client handling and legal expertise."**

A legal market source comments: **"I have been very impressed by the extent of his knowledge and the thorough preparation he has put in. He get his point across well and ensures he gets to the heart of the matter."** Peers further describe him as **"focused, tenacious, and an all-around great lawyer."**

Who's Who Legal says: Brian Simms QC is **"a no-nonsense and pragmatic lawyer"** who sources would **"certainly recommend"** for asset recovery matters.

Background & Qualifications

- Brian attended both McGill University and Exeter University.
- He is an Honorary Fellow at the Institute of for International Legal Studies.
- Appointed Queens Counsel in 2009
- Acting Judge of the Bahamas Supreme Court 2015

Memberships & Professional Affiliations

- Member of the Bahamas Bar Association
- Previous Member of the Bahamas Bar Council
- Member of the Bahamas Constitutional Commission
- Overseas Member of the English Chancery Bar
- INSOL

News & Articles

- Contributing author to: *Insurance Law and Regulations*, edited by Dennis Campbell and published by Oceanic Press. Authored chapter on Bahamian law (2009)
- *Attacks On Offshore Trusts*, Conference paper for the New York State Bar Association (2010)
- *Vulnerability of Offshore Trusts – Recent Developments*, published in the conference materials for the Offshore Alert Conference held in Miami, FL (May 2012)
- *Recent Developments in Offshore Trust Litigation*, Conference paper for the New York State Bar Association (2016)
- *Bahamian Supreme Court identifies its jurisdictional limits to assist in trust arbitration proceedings*, Lexology
- *MV v DSL & GV: arbitration, governing law and jurisdiction clauses*, Oxford University Press (*Trusts & Trustees*, Volume 25, Issue 10, December 2019, Pages 1086–1089)