

OUR PEOPLE

## Peter Morcos

CALL 2012



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Peter has a practice that encompasses many areas of commercial dispute resolution, with a particular focus on commercial litigation and arbitration, insurance, professional liability, and civil fraud.

Peter has appeared in a broad range of commercial cases in the High Court, Court of Appeal and Supreme Court, and has experience obtaining urgent injunctive relief in the context of fraud cases. He also has extensive experience of international arbitration.

Peter has served as a tutor and examiner in tort at King's College, London.

Peter has a good understanding of conversational Arabic.

Peter's instructions include:

- Acting for an accounting firm defending a claim pleaded at a value in excess of £25 million (HK\$300 million) in the Hong Kong Court of First Instance, in which the claimants claimed losses which allegedly arose out of a fraudulent scheme.
- Acting for the Claimant in a successful EUR84 million claim in relation to cash payment for a share subscription in *Zavarco UK Plc v Sidhu* [2021] B.C.C. 938, led by Patrick Lawrence KC.
- Advising in relation to a potential injunction against family members of a deceased businessman with investments valued in excess of \$500million (held in trusts), whose family members allegedly sought to misappropriate the vast majority of trust funds to their exclusive benefit.
- Led by Justin Fenwick KC in an international arbitration relating to a substantial mining dispute.
- Acting for a firm of accountants in a professional negligence claim stated to be worth in excess of \$60million, involving allegations of breach of contract, negligence and breach of fiduciary duty, led by Justin Fenwick KC.
- Acting for a sub-contractor in a dispute arising out of a petrochemical project involving issues in relation to delay and disruption as well as in relation to acceleration costs, with a pleaded value in excess of \$50million.
- Acting for the claimant in an ICC arbitration worth in excess of \$80million, regarding a dispute relating to a power station in the Middle East.

## Expertise

### Commercial Dispute Resolution

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Peter has a practice encompassing a broad range of commercial dispute resolution, in both the international and domestic context. Peter is regularly instructed as both sole and junior counsel in commercial disputes, and has experience advising on and obtaining key interim remedies, including freezing injunctions.

Peter has acted in cases involving shareholder disputes, joint ventures, major infrastructure projects, SPAs, supply contracts, investment agreements, and PFI contracts.

As part of this, Peter is often instructed as a junior in document heavy cases, and has advised on complex issues of legal advice privilege, litigation privilege, without prejudice privilege and confidentiality. He also has experience advising on and assisting with interim applications including for specific disclosure and security for costs.

#### His instructions include:

- Acting for an accounting firm defending a claim pleaded at a value in excess of £25 million (HK\$300 million) in the Hong Kong Court of First Instance, in which the claimants claimed losses which allegedly arose out of a fraudulent scheme.
- Acting for the claimant in a successful EUR84 million claim in relation to cash payment for a share subscription in *Zavarco UK Plc v Sidhu* [2021] B.C.C. 938, led by Patrick Lawrence KC.
- Acting for a major middle eastern entity in a shareholder dispute subject to UNCITRAL rules in relation to the commercial use of an offshore rig production yard.
- Advising in relation to a potential injunction against family members of a deceased businessman with investments valued in excess of \$500million (held in trusts), whose family members allegedly sought to misappropriate the vast majority of trust funds to their exclusive benefit.
- Acting for the respondents in an ICC arbitration in relation to the international sale of goods, in a dispute raising issues of actual authority, ostensible authority, conflict of laws and penalty clauses.
- Acting for a recycling business in a multi-million pound breach of contract claim for loss of profits against the supplier and manufacturer of heavy industrial machinery.
- Acting for the defendant supplier in a multi-million pound claim in relation to the recall of damaged mugs supplied by the defendant to the claimant.
- Acting for the claimant in relation to a dispute under a share purchase agreement, and defending a multi-million pound counterclaim.
- Acting for the claimant in relation to a contractual rectification claim, and defending a counterclaim for breach of warranty under an investment agreement.
- Acting for the claimant in relation to a claim arising out of a non-disparagement clause.
- Acting for the claimant in a breach of contract and unjust enrichment claim relating to a software license.
- Acting for a defendant in relation to a breach of contract claim arising out of a contract for the provision of private airplane services.
- Advising a major international livestock company in a multi-million pound dispute with its suppliers.
- Acting for a local authority in a major dispute with a service provider under a PFI contract. The dispute concerns the operation of contractual adjustments and deductions.

### Insurance

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Peter has extensive experience of insurance law including disputes involving issues such as misrepresentation, non-disclosure, notification, dishonesty, coverage and aggregation.

#### Recent instructions in this area include:

- Advising insurers on aggregation issues in relation to the SRA minimum terms and conditions.
- Advising a policyholder in relation to a cybercrime policy under which insurers had refused cover for the financial consequences of a cyber attack.
- Advising the administrators of a company on notification issues in relation to a D&O policy arising out of the collapse of a \$1billion tech firm.
- Acting for AIG in the Commercial Court ([2016] Lloyd's Rep. I.R. 147), the Court of Appeal ([2016] Lloyd's Rep. I.R. 289) and the Supreme Court ([2017] UKSC 18) in *AIG Europe Limited v OC320301 LLP*, an aggregation dispute under the SRA minimum terms and conditions. The case is the first to come before the Courts in relation to the construction and application of the aggregation clause under the SRA minimum terms and conditions.
- Advising a policyholder on coverage issues under a product liability policy. In particular, the case concerns claims made and notified arising out of fire damage caused by heating appliances sold by the policyholder company.
- Acting for insurers in relation to an aggregation issue arising out of a solicitor's dishonest appropriation of funds.
- Advising insurers in relation to notification and dishonesty under an insolvency practitioner's professional indemnity policy.
- Acting for an insurer resisting an injunction application in the High Court in relation to coverage issues under a commercial insurance policy.
- Acting for insurers in relation to a coverage dispute which raised issues of notification and of the time permitted to insurers to adjust a loss.
- Acting in a claim against insurance brokers raising questions as to the meaning and validity of a clause prescribing territorial limits in the underlying insurance policy.
- Acting for a legal expenses insurer in a claim against its former advisers, raising issues of the meaning of the terms of business and the manner in which those terms interplay with the cover provided.
- Advising on successor practice rules under the SRA minimum terms and conditions and in particular in the context of a merger of two firms.

## Professional Liability

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Peter has experience of a wide range of professional liability disputes, and he acts for both claimants and defendants. He is very comfortable dealing with technical issues across many different professional areas.

Peter has acted in cases involving auditors, accountants, tax consultants, lawyers, construction professionals, and insurance brokers. He has significant experience in negligence, breach of fiduciary duty, and breach of trust of claims.

Whilst studying at the University of Pennsylvania, Peter took a course in Financial Accounting at Wharton Business School, and is accordingly at ease when dealing with complex claims against accountants and auditors. Peter is also an editor of the 9<sup>th</sup> Edition of *Jackson & Powell on Professional Liability*.

His instructions include:

- Acting for a firm of accountants in a £25 million (HK\$300 million) claim arising out of audits for a group of companies alleged to be involved in a fraudulent scheme.
- Advising company directors in relation to potential claims against the companies' former accountants and tax mitigation consultants.
- Acting for defendant accountants in a fraud claim stated to be worth £30 million arising out of the liquidation of a firm, led by Graeme McPherson KC.
- Acting for the claimant against an insurance broker in a Commercial Court claim worth in excess of £2million.
- Appearing at trial for a successful defendant solicitor in a claim arising out of the conduct of an underlying criminal matter.
- Advising a claimant on a breach of fiduciary duty claim against a firm of solicitors.
- Working as part of a team at a top city law firm on a major auditor's negligence claim with a stated value of over £50 million.
- Advising a solicitors firm on issues of professional negligence, breach of trust and breach of warranty of authority in relation to a claim arising out of an alleged mortgage fraud.
- Acting for a former client of a tax consultant in a dispute in relation to tax mitigation strategies.
- Acting for a defendant architect in a case involving a duty to advise on planning permission.

- Acting for a defendant surveyor in litigation concerning an alleged overvaluation.
- Acting for a firm of accountants in a professional negligence claim stated to be worth in excess of \$30million, led by Justin Fenwick KC: *Harlequin Property (SVG) Ltd v Wilkins Kennedy (A Firm)* [2017] 4 W.L.R. 30.

## International Arbitration

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Peter has significant experience in international arbitration, including major projects in the Middle East. He has appeared in arbitrations under a wide variety of rules, including ICC, LCIA and UNCITRAL. The underlying subject matter of his international arbitration practice includes complex commercial disputes and construction disputes.

### His recent instructions include:

- Led by Justin Fenwick KC in an international arbitration relating to a substantial mining dispute.
- Acting for a sub-contractor in an ICC arbitration in a dispute arising out of a petrochemical project involving issues in relation to delay and disruption as well as in relation to acceleration costs, with a pleaded value in excess of \$50million.
- Acting for the Respondents in an ICC arbitration in relation to the international sale of goods, in a dispute raising issues of actual authority, ostensible authority, conflict of laws and penalty clauses.
- Acting for a major middle eastern entity in a shareholder dispute subject to UNCITRAL rules in relation to the commercial use of an offshore rig production yard.
- Acting for the employer in a major ICC arbitration worth in excess of \$80million in relation to a dispute arising out of the construction of a power station, led by Tim Chelmick.

## Civil Fraud

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Peter has experience in a range of civil fraud cases, and has acted for parties in this area in both the domestic and international context. He has experience advising on and obtaining key interim remedies, including freezing injunctions.

Peter has acted in cases involving misrepresentation, breach of trust, breach of fiduciary duty, conspiracy, unconscionable (knowing) receipt and unjust enrichment. He is comfortable advising on all of the key remedies in fraud cases, including both personal and proprietary.

### Instructions include:

- Advising in relation to a potential injunction against family members of a deceased businessman with investments valued in excess of \$500million (held in trusts), whose family members allegedly sought to misappropriate the vast majority of trust funds to their exclusive benefit.
- Acting for a firm of solicitors which had been the victim of a sophisticated, multi-million pound fraud in which money had been misappropriated from one of its client accounts, successfully obtaining freezing injunctions and *Norwich Pharmacal*
- Acting for a defendant in a claim alleging the dishonest acceptance of a secret commission in the context of business transaction.
- Advising a claimant in relation to a potential claim arising from representations made that led the claimant to believe that these investments would be a joint venture with another wealthy partner, when in fact the prospective partner was funding his part of the investments by obtaining loans secured on the properties without informing the claimant.
- Acting for the claimant in an ICC arbitration in relation to allegations of fraudulent misrepresentation.
- Sole counsel for the part 20 defendant in a dispute relating to a share purchase agreement, defending allegation of dishonesty and fraudulent misrepresentation.
- Acting for defendant accountants in a fraud claim stated to be worth £30 million arising out of the liquidation of a firm, led by Graeme McPherson KC.

## Qualifications and Memberships

- BA (Jurisprudence), University of Oxford (First Class Honours);
  - BCL, University of Oxford (Distinction);
  - LLM, University of Pennsylvania (Distinction);
  - BPTC.
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