



Peter Tyers-Smith

Lawyer

CAYMAN ISLANDS

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Peter Tyers-Smith is an English barrister who focuses his practice on complex commercial and insolvency litigation, often venues in offshore jurisdictions with ties to Asia, the U.S. or Latin America. Mr. Tyers-Smith regularly advises shareholders in joint venture disputes and acts in contentious matters involving offshore trusts and involuntary liquidation. He has particular experience in matters with onshore-offshore components, including conducting parallel discovery and devising cross-border asset tracing and recovery strategies. As an experienced advocate, Mr. Tyers-Smith has appeared numerous times in the highest courts and appellate courts of multiple jurisdictions.

Chambers and Partners has ranked Mr. Tyers-Smith as a leading company law barrister, described as “switched-on,” with “a reputation for getting the results his clients want.”

Before joining Kobre & Kim, Mr. Tyers-Smith practiced at Harneys and No5 Chambers, where he focused on commercial and chancery litigation with a particular emphasis on insolvency, company and partnership disputes.

Admissions

- Attorney, Cayman Islands
- Barrister, Eastern Caribbean Supreme Court (British Virgin Islands)
- Barrister, England & Wales

Education

- University of Northampton, LLB
- Cardiff University, LLM (distinction)

Accolades

Who's Who Legal, Asset Recovery

Select Engagements

Insolvency & Debtor-Creditor Disputes

KOBRE & KIM

- Representation of a BVI-registered West African gold exploration and mining company in defending liquidation proceedings with a view to preserving several ongoing exploration projects worth US\$63 million+.
- Representation of the liquidators of a British Virgin Islands (BVI) subsidiary of a Bermudian company listed on the Singapore Stock Exchange in pursuing various BVI agents for US\$600 million+ in alleged prepayments for a global market share of frozen fish.
- Representation of the liquidators of a BVI company in pursuing clawback and directors claims worth US\$398 million+ arising from a US\$3 billion Ponzi scheme.
- Expert witness on liability for a director's breach of fiduciary duty and the assessment of equitable compensation under BVI law in respect of claims brought by the liquidators of a BVI company against former directors in ongoing Singapore High Court proceedings (claim for US \$48 million).
- Representation of a minority shareholder in a BVI hedge fund obtaining summary judgment for rectification of the register of members and removal of the voluntary liquidator.

International Judgment Enforcement & Offshore Asset Recovery

- Representation of Arricano Real Estate PLC in enforcing a US \$50 million London Court of International Arbitration (LCIA) arbitral award in the BVI. The proceedings were the first of their kind under the Arbitration Act 2013, in which the court considered the restricted scope for challenging an arbitral award.
- Representation of a client in a minority shareholder action proceeding in California state court in seeking disclosure and free-standing injunctive relief in the BVI in aid of enforcement of a US \$40 million judgment.
- Representation of Chevron in enforcing an investment treaty award for US \$100 million+ against the Republic of Ecuador.
- Representation of the successful appellant in the BVI Court of Appeal in a disputed claim to the ownership of the majority shareholding (worth £400 million) in the BVI holding company of a Macau Casino.
- Representation of a majority shareholder of a People's Republic of China real estate holding company incorporated in the Cayman Islands in a dispute with several U.S. banks regarding potential default of a US \$500 million credit facility.

Joint Venture & Partnership Disputes

KOBRE & KIM

- Representation of the successful appellant in the BVI Court of Appeal in a disputed claim to the ownership of the majority shareholding (worth £400 million) in the BVI holding company of a Macau casino, specifically whether the Court of Appeal had jurisdiction to reverse the execution of its decision pending appeal to the Privy Council.
- Representation of a BVI holding company in defending multimillion-dollar unfair prejudice and derivative claims arising from a private executive jet joint venture operating in Pakistan.
- Representation of minority shareholders in the BVI holding company of a Japanese pharmaceutical joint venture in a claim to restrain the unlawful conduct of its director.
- Advising the minority shareholders of the BVI holding company of a Guatemalan sugar mill with respect to unfair prejudice claims arising from a long-running familial dispute.

Trusts & Estates Litigation

- Representation of the Hong Kong-based trustee of a BVI trust in a claim for declaratory relief and directions following an adverse ruling of a foreign court on the settlor's mental capacity.
- Representation of the trustees of a BVI trust in obtaining a Beddoe's order regarding the defence of a claim attacking the validity of the trust on the basis of a sham.
- Acting for the beneficiaries of a Bahamian discretionary trust worth US\$800 million in an action to remove the professional trustees.

Professional & Community Involvement

- American Bankruptcy Institute, Member
- Chartered Institute of Arbitrators, Associate
- Commercial Bar Association, Member
- INSOL International, Member
- Society of Trust and Estate Practitioners, Member

Publications & Presentations

- Co-Author, "British Virgin Islands" (*The Asset Tracing and Recovery Review 7th Edition*, 2020)
- Contributing author, *Gore-Browne on Companies*
- Speaker, "Stanford Update" (STEP Caribbean Conference, Nassau, May 2014)

- **"Switched on," with "a reputation for getting the results his clients want." — *Chambers and Partners UK-Bar***