



Turks and Caicos Islands
Regent Village East, Suite A210
Providenciales
Turks and Caicos Islands
+1 649 231 8896

tim@prudhoecaribbean.com

Tim Prudhoe

Tim's work focus is complex and often cross-border representations. This often involves his acting in the context of fiduciary structures where the relationships between the parties are either heading towards – or actually already in – damaging litigation. He also covers all aspects of planning and delivery of judgment enforcement and related asset recovery projects. His is a long track-record of protecting clients' positions and interests irrespective of those being adverse to domestic or international governments has included pure transactional corporate work. He has appeared with great success in both legal proceedings and government inquiries adverse to a then serving Premier.

He has many years' experience in the area of resolving commercial problems and disputes in a way that often avoids either litigation or arbitration. Also, he understands that settlement at all costs may not optimise the client's position. Tim has almost 20 years as a TCI lawyer, and was for almost 10 years a partner in Kobre & Kim, an AmLaw200 global firm and multi-jurisdictional disputes-only powerhouse. This blend of both offshore and onshore work is unique to this jurisdiction and continues to include dealings with both onshore and offshore regulators and issues around tax information exchange.

He has a wealth of experience in strategic aspects of approaching, running, winning and sometimes simply avoiding "bet-the-farm" disputes. He has given expert evidence several times, both by way of written evidence as well as oral testimony on judgment enforcement issues, corporate and insolvency issue impacting directors' duties. He became a Fellow of the Chartered Institute of Arbitrators ("FI Arb") and Chartered Arbitrator ("CI Arb") in 2006.

Co-counsel and special projects are a substantial portion of his truly international practice. He understands the need to deliver a commercial approach to clients often facing multi-faceted issues requiring prompt solutions. He is the Financial Services Commission appointee to the Company Law Advisory Committee in respect of insolvency and company law legislative reform as well as a member of the TCI Bar legislative committee. He is a contributing writer for the leading practitioner text, Gore-Browne on Companies. He has been the recipient of the Founders' Award from the Society of Trust and Estates Practitioners for outstanding contributions to the

development of the profession. He is also an active member of the OECS Bar Association (encompassing the Eastern Caribbean Supreme Court circuit). An advocate determined to get to the core issues for the client as quickly as possible, his approach of “getting the trains to run on time” is key. Chambers Global 2018 says of Tim, “One impressed client notes, “When we get communications from Tim, they are always to the point and clear. In addition, he’s a stickler for making sure everything gets done on time.”

His work has involved multiple jurisdictions in addition to those where he is admitted. In addition to the TCI, his Bar admissions are Belize, Bermuda, The British Virgin Islands (“BVI”), England & Wales, Gibraltar, Grenada, Saint Vincent and The Grenadines and Trinidad. Although he has practised TCI law since 2000, Tim has also done much “big ticket” litigation elsewhere and in particular in New York, London, BVI and Bermuda. In addition, disputes in BVI and Bermuda that he has worked on have involved one or both of the United States Bankruptcy Court and the Delaware Chancery Court. The specialist expertise and bigger picture thinking that this generates is ready to be leveraged for applicable client situations. Also in respect of litigation funding issues in jurisdictions where this or other alternative fee arrangements are possible.

Outside of the Region, he also appears in the English Commercial Court in London, and where he volunteers under the English Chancery Bar Association’s litigants-in-person scheme. Further afield than that, Tim is a Part II (so, full rights of audience, for all types of hearing) registered practitioner in the Dubai International Finance Centre courts system.

His pro bono work has included Death Row Appeals in Texas and a wide range of “heavy” crime. He continues to appear in criminal appeals in TCI on a legal aid basis and takes an active role in the legal training of young Turks & Caicos Islanders. Tim recently (November 2018) appeared on a successful murder appeal that clarified the TCI law on provocation. He is an accredited pupil supervisor for the purposes of pupillage at the English Bar in respect of which one of his pupils has been a Turks & Caicos Islander returning to practice in the jurisdiction.

A former marathon and ultra-marathon runner (including the infamous [Marathon des Sables in the Northern Sahara Desert](#) in the year with the worst sandstorm conditions in the history of the race), Tim continues in the sport that originally drew him to the Caribbean Region: scuba diving. He understands the need to travel for existing and potential future clients and from which his practice continues to benefit.

Select Engagements

- Appearing for British Virgin Islands liquidator in first ever recognition application in the Courts of Dubai International Financial Centre, United Arab Emirates in respect of high value Ponzi scheme fraud recoveries
- Appearing for petitioning creditor on successful winding-up petition in Trinidad of an oil services company based on a Texas State Court judgment.
- Expert witness evidence on British Virgin Islands company and partnership law issues, Northern District of California (San Francisco) US Federal Court.
- Serving as liquidator to Bermuda special purpose vehicle related to structured finance aspects of the Lehman liquidation in respect of structured finance transactions.
- Representation in conjunction with US counsel team of corporate entity alleged to have bribed high-ranking officials in the Caribbean.
- Successful defensive / opposition efforts with respect to a winding-up petition impacting multiple proceedings in four jurisdictions.
- Representation of a Caribbean national bank in a dispute with a financial entity in liquidation, involving recovery issues surrounding sovereign debt and bond assignments, in which we obtained full recovery plus applicable interest on behalf of our client.
- Representation of a partner in an offshore limited liability partnership in connection with an alleged forfeit of partnership interests arising out of admitted misappropriations, involving US \$500 million in controversy.
- Representation of several beneficiaries of a discretionary trust in connection with disputed distributions and contested removal of trustees, as well as possible claims for breach of trust regarding allegations of unpaid estate taxes and incorrect submission to the jurisdiction by trustees.
- Representation of the principal beneficiary of an offshore trust with regards to contested issues of trustee disclosure and use of trust assets in respect of London High Court Chancery Division trial (parallel proceedings).
- Expert witness on corporate capacity and validity issues in Texas State Court and State Supreme Court proceedings involving restored offshore companies
- Expert witness on company law issues of directors' duties and attribution of knowledge in Singapore High Court and Court of Appeal proceedings involving offshore companies and arising out of the liquidation of a real estate development company.
- Expert witness on judgment enforcement issues in Florida State Court proceedings involving offshore companies and nominee (corporate) directors

Credentials

Admissions

- Attorney, Turks and Caicos Islands
- Attorney, Belize
- Barrister, Eastern Caribbean Supreme Court (British Virgin Islands, Grenada, Saint Vincent and The Grenadines)
- Barrister and Attorney, Bermuda
- Barrister, England & Wales
- Barrister, Gibraltar (pro hac vice)
- Attorney, Trinidad and Tobago (pro hac vice)
- Part II registered practitioner (so, full rights of audience for all types of hearing), Dubai International Financial Centre, United Arab Emirates.

Education

- Manchester University, LLB
- London University QM, LLM

Recent Publications and Presentations

- Co-author (with Willin Belliard), "Enforcement of Foreign Judgments in the Turks and Caicos Islands" (International Comparative Legal Guide, March 2019).
- Speaker – "Third-party litigation funding in cross-border fraud and Asset recovery: top tips". (C5 Miami, Fraud and Asset Recovery conference (October 2018))
- Co-author, "Champerly, Maintenance and Litigation Funding: Sufficient Accountability in this Brave(ish) New World?" (Gore-Browne on Companies Special Release, March 2018)
- Author, "Big Changes in Insolvency Legislation in Turks & Caicos" (INSOL International, September 2017)
- Speaker, "US Foreign Corruption Practices Act and Whistleblower Program – Continuing and Future Impacts on Caribbean Region" (OECS Regional Conference, Dominica, September 2017)
- Co-author, "Private foundations and the (limited) impact of the Panama Papers" (Trusts & Trustees, July 2017)
- Speaker, "Perception and Reputation: Privacy and Confidentiality Post-Panama Papers" (STEP Caribbean Conference, Grand Cayman, May 2017)
- Co-author, "Litigation Aspects of the Panama Papers" (Gore-Browne on Companies Special Release, March 2017)
- Speaker, "Treasure Islands: Demystifying Litigation and Asset Recovery in the Offshore World" (Delaware State Bar Association, February 2017)

Professional & Community Involvement

- Society of Trust and Estate Practitioners, Founders' Award recipient
- Insolvency Lawyers' Association
- INSOL International
- Commercial Bar Association
- Chartered Institute of Arbitrators, Fellow
- Chancery Bar Association
- Turks & Caicos Islands Company Law Advisory Committee (Financial Services Commission-appointee)
- Turks & Caicos Islands Legislative Committee