

Bryan De Verneuil-Smith

Partner
Guernsey



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Areas of expertise

Corporate and Financial Services Disputes >

Crypto Disputes >

Dispute Resolution >

Insurance Disputes >

Insurance Disputes >

Legal >

Private Equity >

Shareholder and Valuation Disputes >

Trusts Advisory Group >

Trusts Disputes and Applications >

Banking Disputes

Enforcement of Judgments and Awards

Fraud and Asset Tracing

Regulatory

Sustainable Investing and ESG

Background and experience

After gaining wide experience of commercial litigation at the City of London office of one of Scotland's leading law firms, practising English law, Bryan has practised offshore since 2013, acting for and advising directors, shareholders and other corporate stakeholders, fund managers, trustees, beneficiaries and other parties to trusts. Bryan joined Ogier in January 2019.

Bryan qualified as an advocate of the Royal Court of Guernsey in February 2016. Since qualifying he has represented clients in the Royal Court on various commercial matters. In particular he was part of the team of advocates who represented and successfully defended the executive directors of Carlyle Capital Corporation ("CCC"), an investment fund, against a claim for nearly \$2 billion, in Guernsey's biggest ever civil trial (lasting nearly 6 months in 2016). He continued to act for the executive directors in the appeal of the Royal Court decision heard in October 2018 and was involved in the matter until it settled in May 2020.

Bryan regularly delivers webinars on contentious trusts issues and directors' duties to trust and corporate clients. Bryan has written articles on a variety of subjects including on Guernsey trust cases, pre-action disclosure, the collapse of funds, the solvency test and the Carlyle case. Bryan

is also a contributor to the Guernsey chapter of International Trusts Laws (LexisNexis). He is a member of the Institute of Directors, the Guernsey International Legal Association, INSOL and ARIES (Association of Restructuring and Insolvency Experts (Channel Islands)).

Bryan's recent cases include:

Corporate and Fund litigation

- Advising a large shareholder of a Guernsey fund relation to claims it could bring against the directors of the fund and related parties for fraud, misrepresentation, breach of duty and mismanagement of litigation that had been conducted in Guernsey and a foreign jurisdiction.
- Advising a General Partner in relation to claims it had against the investment manager and directors of a Guernsey fund arising from losses the fund had suffered as a result of their mismanagement of the fund's assets.
- Defending a multi-million euro claim brought against a Guernsey company based on a foreign judgment.
- Advising a General Partner of a Guernsey fund in relation to allegations by the LP investors that it had breached a shareholders agreement.
- Advising a financial institution on a dispute with an HNWI in relation to a trade which was closed out unilaterally resulting in millions of pounds of losses for the HNWI.

Contentious Trusts

- Acting for a Guernsey trustee on an application to the Guernsey court for directions regarding the recognition and enforcement of foreign court orders which purported to affect the trust.
- Advising a Guernsey trustee and beneficiary of a RATS in relation to tax incurred by the RATS as a result of certain transactions made into the RATS.
- Advising a Guernsey trustee with regard to the commission payments requested by third parties connected to the trust.
- Advising a Guernsey trustee in dealing with an investigation launched by the US tax authorities against the trust.
- Advising beneficiaries on claims against a Guernsey trustee for tax liabilities incurred by the trust.

Contentious Insolvency and Restructuring

- Acting on behalf of a large international Bank as the primary creditor in applying to have a

Guernsey company, which held a multi-million pound London property, placed into administration because of a debt it owed the Bank which exceeded £50 million and then seeking the recognition of the appointment of the joint administrators in England and Wales.

- Advising insolvency practitioners and creditors in relation to creditor claims, distributions, trust issues and seeking directions from the Court on various matters.
- Advising and acting for clients in relation to bringing or defending statutory demands, administration and winding up applications and proceedings.
- Acting for clients in seeking Court approval of schemes of arrangement and the restoration of companies to the Register of Companies.
- Advising an investment manager of a Guernsey fund in relation to restructuring and insolvency issues.

Insurance related litigation

- Advising insured financial institutions and trustees in relation to regulatory investigations by the GFSC.
- Advising directors on D & O insurance issues in defending actions brought or threatened against them.
- Acting for insured architects and other construction professionals facing claims for professional negligence.
- Acting for insured trustees in defending breach of trust claims.

Regulatory

- Advising directors in connection with GFSC regulatory investigations.
- Advising fiduciaries in connection with investigations of trust structures with US beneficiaries by the US IRS.
- Advising financial institutions in relation to investigations by the GFSC.

Property

- Acting for commercial clients, both tenants and landlords, on disputes relating to rent and repair obligations, surrender agreements, dilapidations and building and repair works.
- Acting for and advising clients, both contractors and individuals, in relation to residential construction disputes.
- Acting for residential property clients in relation to boundary disputes.

Admitted in:

2016 - Guernsey

2003 - England and Wales

Languages

French

English

Examples of work

[View more examples of work >](#)

10 August 2022 | 1 min read

Ogier acts for Equiom in complex cross-border trust case

Mathew Newman

Team: Bryan De Verneuil-Smith, Michael Rogers

 Guernsey

Case

1 October 2020 | 2 min read

Ogier Guernsey advises Stanley Capital on new investment structure and acquisition of Noden Pharma

Bryon Rees

Team: Tim Clipstone, Bryan De Verneuil-Smith, Michelle Watson Bunn

 Guernsey

Deal

News and insights

[Find out more >](#)

5 October 2023 | 2 min read

Ogier in Guernsey recognised as market leaders in Legal 500 UK 2024 guide

News

28 March 2023

An introduction to directors' duties and liabilities in Guernsey and Jersey

Bryan De Verneuil-Smith

Team: Simon Davies, Damian Evans, Oliver Passmore, Matthew Davies, Ralph Spencer-Tucker, Nick Taitz, and 2 more

📍 Guernsey, Jersey

Insight

30 September 2022 | 4 min read

Ogier in Guernsey achieves top tier rankings in Legal 500 UK 2023 guide

Christopher Jones

Team: Paul Chanter, Bryon Rees, Michaela Jesson, Michelle Watson Bunn, Diana Collas, Gabrielle Payne, and 14 more

📍 Guernsey

News

6 January 2022

The Carlyle Case: what can be learnt from a billion dollar fund collapse

Bryan De Verneuil-Smith

Team: Simon Davies

📍 Guernsey

Insight

18 October 2021

Ogier's Guernsey Dispute Resolution team now one of the largest in the Island

Mathew Newman

Team: Simon Davies, Bryan De Verneuil-Smith, Alex Horsbrugh-Porter, Sandie Lyne, Rachel DeSanges, Fay Warrilow, and 7 more

📍 Guernsey

News

30 September 2021

Ogier in Guernsey achieves six top tier rankings in latest Legal 500 UK

Christopher Jones

Team: Paul Chanter, Bryon Rees, Martyn Baudains, Piers Dereham, Martín Casas, Matt Guthrie, and 14 more

📍 Guernsey

News

28 September 2021 | 6 min read

Private wealth – the potential for impact

Catherine Moore

Team: Simon Davies, Bryan De Verneuil-Smith, Gavin Ferguson, Matt Guthrie, Sandie Lyne, Mathew Newman, and 2 more

📍 Guernsey

Insight

16 September 2021

Ogier leads offshore with five named in Citywealth Private Client Top 100

Rachael Reynolds KC

Team: Mathew Newman, Bryan De Verneuil-Smith, Damian Evans, Josephine Howe

📍 Cayman Islands, Guernsey, Jersey

News

5 May 2021

Snapshot: appealing civil judgments in Guernsey

Bryan De Verneuil-Smith

📍 Guernsey

Insight

Recognition

"Hardworking, thoughtful, with attention to detail and a strong awareness of the arguments which are likely to find favour with a judge. "

Legal 500 UK, 2024

"A delight to work with. "

"On a technical/legal level I trust his judgement and am comforted that he is open in saying he will go and have a think rather than attempting to present himself as an oracle on all matters and making snap judgements."

Legal 500 UK, 2023

"Met every target and deadline required"

Legal 500, 2023

"Outstanding and very easy to deal with. He has great analytical skills and enjoyed dealing with detailed and complex legal arguments without losing sight of the bigger picture and the commercial realities of the case. He also remained calm under pressure"

Legal 500 UK, 2023

"Next Generation Partner"

Legal 500 UK, 2023

"When circumstances demand a quick responsive time, Mathew Newman and Bryan De Verneuil-Smith have done an amazing job of keeping up with client demands in a different time zone. They have also raised practical solutions to complex problems and are savvy about our sophisticated clients' complex needs"

Legal 500 UK, 2022

"Team of the Year – Litigation"

Citywealth IFC Awards 2022

"Both attentive to detail and capable of seeing the big picture. He is an excellent young advocate who no doubt will contribute to the growth of the firm"

Legal 500 UK, 2021

"Quick, commercial, and a pleasure to work with. His litigation experience and judgment further solidifies Ogier's position among the top of the Guernsey firms for litigation"

Legal 500 UK, 2020

"He is personable, engaged in his matters, and extremely commercial"

Citywealth Leaders List, 2019