

Rhyan Elliott, Barrister, Counsel and Attorney-at-Law

242-809-8698, rhyan@smartstartbahamas.com

LINKS

[LinkedIn](#), [Higgs & Johnson](#)

PROFILE

English-trained offshore commercial lawyer with vast and diverse experience in complex and significant commercial disputes with a cross-border element, which raise important, and oftentimes novel, points of law. A thorough and detail orientated advocate with a proven track record of skillfully and effectively presenting cases before Courts of first instance and appellate Courts.

EMPLOYMENT HISTORY

Mar 2019 — Present

Associate, Counsel & Attorney-at-Law, Higgs & Johnson

Lyford Cay, New
Providence, The Bahamas

Practicing in a top-tier, highly ranked, offshore firm specializing in commercial, trusts and estates, insolvency, banking, financial services, regulatory, employment, complex personal injuries and fatal accidents, professional negligence, in both contentious and non-contentious engagements. Regularly advising institutional clients, other entities and individuals, including insolvency practitioners and trustees. Further, appearing in litigation before the Supreme Court and the Court of Appeal of The Bahamas in all manner of interlocutory proceedings and at Trial and regularly advising and acting in specialist contentious costs proceedings.

1. Acting as Lead Counsel on behalf of several claimants in a multi-million dollar fatal accident/negligence claim against, inter alia, one of the Caribbean's largest hotel resorts and a local tour-operator.
2. Acting as Lead Counsel in contentious costs proceedings on behalf of the successful party to a \$225Mil shareholder dispute and successfully securing an order for the recoverability of foreign lawyers' fees.
3. Acting as Junior Counsel and a key lawyer in a complex multi-faceted cross-border \$144 Million trust, civil forfeiture and domestic financial services regulatory dispute concerning the tax reporting obligations of a supervised financial institution. Advising and providing representation in relation to various matters arising within the banking, trusts, regulatory and insurance contexts.
4. Acting as Junior Counsel on behalf of several victims to a multi-million dollar international fraud in *Norwich Pharmacal* and cross-border asset tracing proceedings.
5. Acting as Lead Counsel in relation to various asset recovery engagements on behalf of local financial institutions.
6. Acting as Junior Counsel on behalf of a private trust company in proceedings commenced by a former service provider involving serious allegations of breach of trust.
7. Regularly providing advice and representation in insolvency and restructuring matters, including acting in voluntary winding-ups and advising Liquidators and other insolvency practitioners at all stages of liquidations.
8. Regularly assisting the Firm's non-contentious and contentious trusts practitioners in acting for and on behalf of professional trustees.
9. Regularly advising supervised financial institutions, including Swiss offshore banks and other regulated entities in relation to regulatory and compliance obligations, requests from domestic and overseas regulators, confidentiality, and various other disputes arising in the course of their business.
10. Regularly advising institutional clients, particularly those in the financial services and other regulated industries, in relation to employment and other labor matters, including providing representation in employment disputes and negotiating complex termination and separation exercises.

Sep 2014 — Mar 2019

Associate, Counsel & Attorney-at-Law, Gail Lockhart Charles & Co.

Lyford Cay, New
Providence, The Bahamas

Practicing in an active offshore firm specializing in commercial, probate, corporate, insolvency, banking, financial services, regulatory, insurance and re-insurance, employment, divorce and matrimonial finance, personal injuries and fatal accidents, professional negligence, conveyancing and property law in both contentious and non-contentious engagements. Further, litigation with extensive experience in the conduct of complex commercial, civil, insurance, banking, insolvency and regulatory litigation in the Supreme Court and Court of Appeal of The Bahamas, as well as the Judicial Committee of the Privy Council, and acting on behalf of individuals and entities including Liquidators, Receivers, Insurers and Reinsurers and large-scale land developers advising in commercial and real estate transactions, including:

1. Acting as Junior Counsel on behalf of the successful Defendant in proceedings brought by the Ontario Securities Commission to enforce a \$20Mil foreign judgment to recover administrative penalties entered in Canada (*The Ontario Securities Commission v Wayne Lawrence Pushka and Bonnieblue Inc.* (2020 Unrep.), which engaged the exclusionary rule.
2. Acting as Junior Counsel on behalf of the successful Claimant in a multi-million dollar cross-border breach of trust claim for restitution, an accounting, tracing and equitable compensation.

3. Acting on behalf of an independent asset management firm in a dispute with a local Segregated Account Company licensed as an Investment Fund and its Fund Administrator in relation to management issues.
4. Acting as Lead Counsel for the successful applicant on an application for an interim payment in *Rahming v. Super Value Food Stores Limited et al* [2017] 2 BHS J. No. 114 and Lead Counsel on appeal to the Court of Appeal (awaiting Ruling).
5. Acting as Lead and Junior Counsel for the successful Trustee of an Estate on an application, by Originating Summons for, inter alia, repayment of funds held on trust by a Counsel and Attorney-at-Law in *Deal v. Rolle (Trading as Denning Law Chambers)* [2018] 1 BHS J. No. 126.
6. Acting as Junior Counsel for the successful applicant on an application for special leave to the Judicial Committee of the Privy Council (JCPC) in *Fundhaven Limited v The Executive Director of the Securities Commission of The Bahamas* JCPC 2017/0024.
7. Acting and appearing as Junior Counsel on behalf of the successful Appellants in *Sun Alliance (Bahamas) Limited and another v Scandi Enterprises Limited*, [2017] UKPC 10 before the JCPC and acting and appearing as Junior Counsel on behalf of the successful Appellant in *Apollon Metaxides v Swart and others; Silver Point Condominium Apartments v Swart and others* [2015] UKPC 32 before the JCPC; drafting various notices and grounds of appeal, drafting and preparing Records of Appeal and drafting Sections 5 & 6 of the Notice of Appeal (JCPC). Further, assisting in drafting Statement of Facts and Issues and Appellant's Written Case in preparation for appeal.
8. Acting and appearing as Lead Counsel on behalf of insurers at a two (2) day split Trial on liability arising from a road traffic accident.
9. Acting on behalf of a securities broker/dealer registrant of the Securities Commission of The Bahamas in a claim against the Commission for the wrongful disclosure of information to an Overseas Regulator at first instance and as Lead Counsel on appeal to the Court of Appeal.
10. Acting on behalf of a securities broker registrant of The Securities Commission of The Bahamas in relation to a Notice to Produce Documents issued pursuant to the International Tax Cooperation Act.
11. Advising numerous independent asset management firms in relation to certain Swiss offshore subsidiary banks' refusal to execute client account closure and transfer instructions as a result of double taxation treaties.
12. Acting on behalf of 17 account holders in an urgent representative action held *in camera* for a breach of customer banking mandates and failing to execute account closure and transfer instructions against a leading private Swiss offshore bank and successfully obtaining an order requiring immediate compliance with the same.
13. Acting on behalf of a foreign company seeking to enforce a US\$4.8Million foreign Arbitral Award debt against a law firm partnership and successfully applying for leave to enforce the same against partners of the firm at the material time, preparing evidence and arguments in support of a "holding out" in the Supreme Court, successfully defending an appeal of the decision at the Court of Appeal (*Wells & Wells v Oshi Enterprises Inc*, SCCivApp No. 4 of 2015), successfully appointing a Receiver-Manager in respect of the judgment debtors' assets and executing an extensive asset recovery exercise.

EDUCATION

Sep 2013 — Jul 2014	Bar Professional Training Course (BPTC), Very Competent, University of the West of England, Bristol Optional Modules: Employment Law and Family Law.	Bristol, United Kingdom
Sep 2008 — Jun 2011	Bachelor of Laws (LLB) (Upper Second Class), University of Kent at Canterbury Optional Modules: Company Law and Capitalism, International Business Transactions, Kent Law Clinic Clinical Option: Legal Process and Public Legal Services and Family and the Law.	Canterbury, United Kingdom
Sep 2002 — Jun 2008	High School Diploma, Queen's College Bahamas Junior Certificate, Bahamas General Certificate of Secondary Education, Advanced Placement (AP), SAT II.	Nassau, New Providence, The Bahamas

Sep 2014 — Present

Bar Admissions

The Bar of England and Wales, The Honorable Society of the Inner Temple (Barrister) (July, 2014), The Commonwealth of The Bahamas (Counsel & Attorney-at-Law) (2014)

Professional Memberships

ADR Group Accredited Civil & Commercial Mediator, Contentious Trusts and Probate Association (ConTrA), Commonwealth Lawyers Association, Thought Leaders 4 (i) Fraud Insolvency, Recovery, Enforcement (FIRE) (ii) Private Client (iii) Disputes and (iv) HNW Divorce Communities.

Skills

Microsoft Office, Lawtel, Justis, LexisNexis and Westlaw, Worldox, PCLaw, PerfectLaw, ClientProfiles.

REFERENCES

References available upon request