

Daniel Judd

Called to the Bar 2018

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Daniel joined South Square as a tenant in October 2019.

Daniel accepts instructions in all of Chambers' core areas of practice, including corporate insolvency and restructuring, bankruptcy, banking and finance, offshore and fund litigation, commercial litigation and arbitration, company law, and trusts.

As a pupil, Daniel assisted with a number of insolvency matters. These include the special administration of *MF Global*, subordinated debt litigation arising out of the collapse of *Lehman Brothers*, claims in the liquidation of *British Steel*, and the appeal in *Bresco Electrical Services Ltd (in liquidation) v Michael J Lonsdale (Electrical) Ltd* [2019] EWCA Civ 27 concerning insolvency set-off. Daniel is familiar with a variety of transaction avoidance claims and insolvency applications.

Daniel has experience of substantial offshore litigation. In pupillage he assisted with the appeals in both *HSBC v Primeo* and *AHAB v SAAD* in the Cayman Islands, as well as international arbitration proceedings between private equity funds. He also has experience of claims involving conflict of laws issues and allegations of fraud.

Daniel undertakes drafting and advisory work in Chambers' areas of practice. As a pupil, Daniel drafted advice on points including: entitlements to statutory interest under the insolvency rules; the characterisation of company charges as fixed or floating; choice of law issues in mortgage transactions; the enforceability of trusts arbitration clauses; and setting aside foreign judgments for fraud.

Before joining South Square, Daniel volunteered on the Company Insolvency Pro Bono Scheme and won the Michael Mustill Essay Prize (2018). Daniel worked as a legal translator alongside his studies.

Daniel graduated with a First Class degree in Jurisprudence from Oxford University, ranking joint third in his year. He completed an LL.M. at McGill University on a Canada Memorial Foundation scholarship, and was called to the Bar by Gray's Inn as a Holt Scholar. Daniel won a number of academic prizes during his degrees.

From October 2019 until December 2019, Daniel was a Judicial Assistant in the High Court, based in the Chancery Division.

Insolvency and Restructuring

- ***Bresco Electrical Services Ltd v Michael J Lonsdale (Electrical) Ltd*** [2019] EWCA Civ 27: the interaction of insolvency set-off under section 323 of the Insolvency Act 1986 with the construction adjudication regime (assisting Charlotte Cooke).
- ***Bundeszentralamt Für Steuern v Heis*** [2019] EWHC 705 (Ch): whether proof of debt was

caught by the rule against double proof in the liquidation of *MF Global* in the context of 'cum-ex' transactions (assisting Adam Al-Attar).

- **Re Chartham:** drafted skeleton argument seeking regularisation of the out-of-court appointment of administrators (assisting Adam Al-Attar).
- Drafted advice on the payment of pre-liquidation administration interest under the insolvency rules in the light of the **Waterfall** litigation (assisting Adam Al-Attar).
- Drafted skeleton argument opposing an application to set aside a statutory demand (assisting William Willson).
- Drafted skeleton argument for trial alleging that a number of transactions by a bankrupt were made at an undervalue (assisting Marcus Haywood).
- **Re British Steel:** drafted advice on claiming the price of sale of goods contracts as expenses in the liquidation (assisting Stephen Robins).
- Drafted advice on disallowing the costs of a prior voluntary liquidation in a subsequent liquidation (assisting Stephen Robins).

Banking and Finance

- Drafted advice on the extent of a security trustee's rights of indemnity and rights of retention (assisting Adam Al-Attar).
- Drafted particulars of claim on behalf of the lender in respect of various credit facilities extended to a state-owned energy company (assisting Adam Al-Attar).
- Drafted defence and counterclaim seeking to appoint receivers over overseas assets on behalf of the lender (assisting Charlotte Cooke).
- Drafted research note on the characterisation of second fixed charges over book debts as fixed or floating (assisting Robin Dicker QC).
- Drafted skeleton argument opposing the appointment of administrators over a mortgage-backed securitisation vehicle (assisting Henry Phillips).

Commercial Litigation and Arbitration

- Drafted advice on whether a share subscription agreement was entered into as the result of economic duress in arbitration proceedings (assisting Henry Phillips).
 - Research note on arbitral jurisdiction over cross-claims and set-offs governed by contracts with separate arbitration clauses (assisting Henry Phillips).
 - Research note on the admissibility of evidence for the purpose of interpreting intercompany loans (assisting William Willson).
 - Drafted advice on the interpretation of a liability cap in a PFI project contract relating to transport infrastructure (assisting Marcus Haywood).
 - Drafted particulars of claim in a class action arising out of an environmental disaster caused by a dam collapse in Brazil (assisting Alexander Riddiford).
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Offshore

- **Primeo v HSBC**: appeal against dismissal of a \$2 billion claim brought by a Madoff feeder fund in the Cayman Islands (assisting William Willson).
 - **AHAB v SAAD**: appeal in a \$9 billion claim brought in the Cayman Islands by members of the Alghosaibi family against Maan Al Sanea and others (assisting Marcus Haywood).
 - Drafted advice on jurisdiction issues connected with the enforceability of English law-governed security in a Cayman Islands liquidation (assisting Charlotte Cooke).
 - Research note on service out of jurisdiction in Bermuda (assisting Charlotte Cooke).
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Civil Fraud and Asset Recovery

- Drafted advice on the recoverability of payments made pursuant to a settlement agreement liable to be rescinded for misrepresentation (assisting William Willson).
 - **Re Dalal**: research note on setting aside freezing injunctions for material non-disclosure (assisting Stephen Robins).
 - Drafted advice on the strike-out of conspiracy claims made against individuals involved in a jewellery business (assisting Stephen Robins).
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Company Law

- Drafted advice on the validity of special resolutions under section 283 of the Companies Act 2006 where only two out of three members vote on the resolution (assisting Alexander Riddiford).
 - Drafted advice on the meaning of 'interim accounts' under section 836 of the Companies Act 2006 in the context of an unlawful dividends claim (assisting Alexander Riddiford).
 - Drafted skeleton argument for trial seeking the disqualification of a company director on behalf of the Secretary of State (assisting Charlotte Cooke).
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Trusts and Property

- **Re Independent Derivative Traders**: whether amounts in the bank account of an insolvent trading platform were held on trust for the traders (assisting Adam Al-Attar).
 - Drafted advice on the application of the court's jurisdiction to remunerate trustees to trusts created by specifically enforceable contracts (assisting Henry Phillips).
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Languages

Daniel is fluent in Italian and French.

Education and Qualifications

2018 Called to the Bar of England and Wales

2017-2018 City University, Bar Professional Training Course

2016-2017 McGill University, LL.M.

2012-2016 Jesus College, Oxford University, BA Jurisprudence with Law Studies in Europe, First Class (joint third in year)

Scholarships and Prizes

2018 The Michael Mustill Essay Prize (2018)

2018 The Sweet & Maxwell Law Prize for Company Law (City University)

2018 The ICLR Busfield Prize for Opinion Writing (City University)

2017 Postgraduate Scholarship (City University)

2017 The Holt Award (Gray's Inn)

2017 Residential Scholarship, Victoria League (Gray's Inn)

2017 Pilarczyk Graduate Award (McGill University)

2017 Colin Macdonald Award (McGill University)

2016 Canada Memorial Foundation Scholarship (Canada Memorial Foundation)

2016 University Gibbs Book Prize (Oxford University)

2016 Law Faculty Prize, Personal Property (Oxford University)

2016 Davies Prize, shared, for best performance in any subject (Jesus College)

2016 Various prizes for performance in FHS Jurisprudence (Jesus College)

2014 Nikolas Tarling Scholarship (Jesus College)

2014 Open Scholarship (Jesus College)

Interests

Languages, travel, saxophones, choral singing, squash, and reading