

Paul Fradley

Called to the Bar 2019

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Paul joined South Square as a tenant in October 2019.

Paul's practice covers all of Chambers' areas of expertise, including corporate insolvency and restructuring, bankruptcy, banking and finance, offshore and fund litigation, commercial litigation and arbitration, company law, and trusts.

Paul regularly appears as sole counsel in the High Court and the County Court. He has experience in appearing in insolvency, company and civil procedure applications. He regularly appears in winding-up petitions, directions applications, applications to set aside statutory demands and applications to extend administrations. Paul is also instructed in commercial and civil matters without any insolvency element.

Paul appears led in the High Court and Court of Appeal. Recent reported decisions have included *Minor Hotel Group MEA DMCC v Dymant & Anor* [2022] EWHC 340 (Ch), the first case to consider the moratorium provisions in Part A1 of the Insolvency Act 1986 (led by Tom Smith QC), and *Windhorst v Levy* [2021] EWCA Civ 1802 (led by Adam Al-Attar). In addition, Paul undertakes drafting and advisory work in all of Chambers' core areas.

Paul has a developing offshore practice, having been called to the Bar of Eastern Caribbean Supreme Court, British Virgin Islands, and is currently instructed in relation to ongoing litigation in the BVI.

Prior to starting practice, Paul was a Judicial Assistant in the High Court, based in the Chancery Division and Commercial Court, and tutored in the law of trusts at the University of Oxford. Paul graduated with a First Class degree in Jurisprudence from the University of Oxford, ranking second in his year and winning six University prizes. He subsequently completed the Bachelor of Civil Law (BCL) at the University of Oxford, in receipt of a number of scholarships, and graduated with a Distinction. He was called to the Bar by Gray's Inn as a recipient of the Inn's most prestigious scholarships for both the Bar Course and Pupillage.

Insolvency and Restructuring

Paul has extensive experience of domestic and cross-border insolvency law. He regularly appears, both led and unled, and provides advice in insolvency matters. He is familiar with winding-up petitions, including injunctions to restrain presentation and/or advertisement; withdrawal; disputed debt hearings; bankruptcy annulment; and administration applications and extensions.

His current and research instructions include:

- ***Minor Hotel Group MEA DMCC v Dymant*** [2022] EWHC 340 (Ch): the first case to consider the moratorium provisions in Part A1 of the Insolvency Act 1986 (with Tom Smith

QC).

- **Re Border Control Solutions Ltd** [2021] EWHC 2965 (Ch): the first appeal under section 205 of the Insolvency Act 1986 against the deferral of the dissolution of a company (with Matthew Abraham).
- Proceedings arising out of the collapse of Debenhams plc relating to the validity of a settlement agreement (with Richard Fisher QC).
- Acting for an international airline in relation to the recognition of its foreign insolvency process under the Cross-Border Insolvency Regulations 2006, remission of assets and a creditor challenge to the same (with Adam Al-Attar).
- Appeal against a winding-up order in the BVI (with Tom Smith QC).

As a pupil, Paul assisted on a number of high-profile matters, including:

- **Manolete v Ellis** [2020] EWHC 1764: trial of claims for wrongful trading, breach of directors' duties, preferences and transactions at an undervalue (assisting Adam Al-Attar).
- **Crumpler v Candey; Re Peak Hotels and Resorts** [2019] EWHC 3558 (Ch): valuation of solicitors services for the purposes of section 245 of the Insolvency Act 1986 (assisting Stephen Robins).
- **Leeds v Beauty Wholesale Ltd; Re Hirji** [2020] EWHC 175 (Ch): trial of a transaction at an undervalue claim in a bankruptcy (assisting Marcus Haywood).
- **Colt Technology Services v SG Global Group** [2020] EWHC 1417 (Ch): application for an injunction to restrain the presentation of a winding-up petition raising the scope of the Ralli Bros principle (assisting William Willson).

Commercial Litigation & Arbitration

Paul has experience of commercial litigation, both within and outside the insolvency context, and often with an international element.

His current and recent instructions include:

- **Windhorst v Levy** [2021] EWHC 1168 (QB) ([2022] ILPr 4; [2012] BPIR 1056) and [2021] EWCA Civ 1802: concerning the interaction between the EU Insolvency and Judgments Regulation and an application to stay enforcement of a judgment (with Adam Al-Attar).
- Drafting statements of case in commercial matters, including material adverse effect clauses and breach of loan facility agreements.
- Enforcement of judgments including applications for third party debt orders and charging orders.
- Assisting in relation to professional misconduct claims brought against an accountant.

As a pupil, Paul assisted on a number of high-profile matters, including:

- **Abbi v Slade** [2019] EWCA Civ 2175: construction of a promise to pay someone else's bills as a guarantee or primary obligation (assisting Stephen Robins).
- **The World LLC v Dalal** [2019] EWHC 2993 (Ch): application to set aside a freezing injunction involving material non-disclosure and the fraud exception to the recognition and enforcement of foreign judgments at common law (assisting Stephen Robins).
- **Protasov v Derev** [2020] EWHC 2884 (Ch): application to discharge a Passport Order granted

in support of a freezing and asset disclosure order (assisting William Willson).

Offshore

Paul has a developing offshore practice. In 2022 Paul was called to the Bar of Eastern Caribbean Supreme Court, British Virgin Islands.

His current and recent instructions include:

- FESCO litigation - various proceedings at first instance and appeal in the BVI including an appeal against a winding-up order (with Tom Smith QC and Richard Fisher QC).
- Cayman appeal concerning the ability of minority shareholders to challenge the improper allotment of shares (with Tom Smith QC).
- Complex conspiracy, misrepresentation and asset tracing claim in the Cayman Islands (with Adam Al-Attar).

As a pupil, Paul assisted on a number of offshore matters:

- Advising on privilege and confidentiality issues arising in Cayman proceedings (assisting Alexander Riddiford).
 - Research note on security enforcement in the BVI (assisting William Willson).
 - Drafted pleadings in a complex conspiracy, misrepresentation and asset tracing claim (assisting Adam Al-Attar).
 - Advising on contribution claims in the context of offshore proceedings and a Cayman liquidation (assisting Henry Phillips).
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Company Law

Paul has experience in various company law matters. He is familiar with applications seeking to rectify the register at Companies House, and other applications under the Companies Act 2006.

- Cayman appeal concerning the ability of minority shareholders to challenge the improper allotment of shares (with Tom Smith QC).
 - **Re Border Control Solutions Ltd** [2021] EWHC 2965 (Ch): the first appeal under section 205 of the Insolvency Act 1986 against the deferral of the dissolution of a company (with Matthew Abraham).
 - Advising on the validity of security rights raising issues of corporate governance and directors' duties (assisting Daniel Bayfield QC).
 - Advising on potential directors' disqualification proceedings (assisting William Willson).
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Banking & Finance

- Advising on the impact of a corporate restructuring on various security rights (assisting

Alexander Riddiford).

- Drafted application to remove administrators on the grounds of failing to get FCA consent and subsequent winding-up petition (assisting Alexander Riddiford).
 - Assisting with litigation on the event of default provisions in the ISDA Master Agreement (assisting Henry Phillips).
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Civil Fraud & Asset Recovery

- Complex conspiracy, misrepresentation and asset tracing claim in the Cayman Islands (with Adam Al-Attar).
 - Permission to serve out and serve by alternative means a number of claims against various defendants involving fraud and asset tracing (assisting Stephen Robins).
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Career

2021 - Judicial Assistant in the High Court, Chancery Division and Commercial Court.

2020 - Tenancy at South Square.

2019 - Pupillage at South Square.

2018 - Tutor to undergraduates in the Law of Trusts at both St Anne's and University Colleges, University of Oxford.

Education and Qualifications

2022 - Called to the Bar of Eastern Caribbean Supreme Court, Virgin Islands.

2019 - Called to the Bar of England and Wales

2019 - BPP, Bar Professional Training Course

2018 - Bachelor of Civil Law, Brasenose College, University of Oxford, Distinction

2017 - BA in Jurisprudence, Brasenose College, University of Oxford, First Class (ranked second in year)

Scholarships and Prizes

Scholarships:

- Reid Scholarship (Gray's Inn)
- Bedingfield Scholarship (Gray's Inn)
- Residential Scholarship (Gray's Inn)
- Excellence Award (BPP)
- Barry Nicholas Scholarship for the BCL (Brasenose College)
- College Law Scholarship for the BCL (Brasenose College)
- One Essex Court Scholarship for the BCL (University of Oxford)

Prizes:

- Norman Tapp Memorial Prize for Advocacy (Gray's Inn) (2019)
- Wronker Prize (Proxime) (University of Oxford)
- Gibbs Prize (Proxime) (University of Oxford)
- 5 Stone Building Prize for Trusts (University of Oxford)
- Littleton Chambers Prize in Labour Law (University of Oxford)
- Law Faculty Prize for Personal Property (University of Oxford)
- College Prize for Finals (Brasenose College)
- Open Exhibition (Brasenose College)

Publications

Fradley, 'Re Akkurate Ltd: the territorial limits of section 236(3)' (2021) *Insolvency Intelligence* 43.

Willson and Fradley, 'Ipso facto clauses: the international dimension' (2021) *Journal of International Banking & Financial Law* 103.

Fradley, 'Robertson v Wojakovski: supporting creditors and adjournments of bankruptcy petitions for time to pay' (2021) *Insolvency Intelligence* 22.

Collins and Fradley, 'Policing the boundaries of articles 8 and 11 ECHR' (2019) *Industrial Law Journal* 225.

Interests

Running, cooking and reading