

Peter Burgess

Called to the Bar 2019; admitted as a solicitor 2016

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Peter specialises in Chambers' core areas of practice, including banking and finance law, offshore litigation, corporate restructuring and insolvency, company law, and commercial litigation and international arbitration.

Peter has a particular focus on financial matters and distressed debt situations, assisted by his experience as a solicitor and his admission in New York. He acts as sole counsel and as junior counsel to senior members of Chambers in large-scale banking, financial, and commercial cases.

Peter is also developing a significant international practice, having appeared unled in the BVI Commercial Court and the ECSC Court of Appeal, as well as instructed in matters involving the Bahamas, the BVI, Bermuda, the Cayman Islands, Hong Kong, Gibraltar, and Guernsey. He has a particular interest in issues of private international law, with experience of numerous cross-border matters and having won the prize for private international law at Harvard Law School.

Before joining South Square, Peter worked as a Judicial Assistant to Lord Sales, Lord Lloyd-Jones, and Lord Hamblen at the Supreme Court of the United Kingdom and the Judicial Committee of the Privy Council, assisting the Justices on numerous high-profile cases including: *R (on the application of Miller) v The Prime Minister*, on whether the advice given by the Prime Minister to the Queen that Parliament should be prorogued was lawful; *Micula & Others v Romania*, relating to the attempted enforcement of an investment arbitration award against Romania; and *Sevilleja v Marex Financial Ltd*, on the 'reflective loss' principle.

Peter is a former solicitor-advocate, with experience at a magic circle firm and a US law firm, working on banking, insolvency, and commercial litigation as well as international commercial and investor-state arbitration. He holds a first-class BA in Ancient and Modern History from the University of Oxford (where he was first in his year), a first-class LLB from the University of Law, and an LLM from Harvard Law School.

Insolvency & Restructuring

- **Re FTX Trading Ltd et al** (22-11068 (JTD)) (Delaware): Advising the debtors on English law issues relating to cryptocurrencies arising in the Chapter 11 bankruptcy of FTX.com, the cryptocurrency exchange (with David Allison KC).
- **Re China Aoyuan Group Limited** (FSD 284 of 2023 (DDJ)) (Cayman Islands and BVI): Acted as junior counsel for parallel Cayman Islands and BVI schemes of arrangement of a Chinese property company restructuring over \$6bn of finance debt (led by Tom Smith KC).
- **Re Yunneng Wind Power Co, Ltd** [2023] EWHC 2111 (Ch): Acted as junior counsel for the restructuring plan of a renewable energy company restructuring over \$1bn of finance debt (led by Mark Arnold KC and Charlotte Cooke).

- **Re Everyday Lending Limited** [2023] EWHC 2097 (Ch): Acted for a listed consumer finance company to promulgate a scheme of arrangement (led by Tom Smith KC).
- **Re Orbit Energy Limited**: Acted as junior counsel for the administrators of an energy company (led by Felicity Toube KC).
- Provided an opinion on the effect of a foreign scheme of arrangement on certain transactions (with David Allison KC).
- Provided an opinion on “connected” and “associated” persons under the Insolvency Act 1986.
- Instructed as sole counsel on various applications under the Insolvency Act 1986.
- Instructed as sole counsel on numerous administration extension applications.
- Advised on out-of-court administration appointments for UK and foreign companies.

Banking & Finance

- **Credit Suisse Virtuoso SICAV-SIF & Anr v SoftBank Group Corp & Ors** (involvement ongoing): Acting for the SoftBank Defendants in a \$440mn claim under section 423 of the Insolvency Act 1986 (led by Tom Smith KC and Adam Al-Attar).
- **Trinity Investments Designated Activity Company v Cassini SAS & Ors**: Acted for an investor in relation to their debt holding in the Comexposium Group which is subject to a French ‘sauvegarde’ insolvency process (led by Tom Smith KC and Matthew Abraham).
- Provided an opinion relating to no action clauses and bondholders’ standing (with Tom Smith KC).
- Provided an opinion relating to no action clauses and arbitration agreements (with Tom Smith KC).

Offshore

- **Seahawk China Dynamic Fund v Gold Dragon Worldwide Asset Management Limited** (FSD 7 of 2024 (DDJ)) (Cayman Islands) (involvement ongoing): Assisting Tom Smith KC on behalf of the claimant hedge fund in a claim for breach of an investment management agreement seeking c.\$1bn in damages.
- **Re China Aoyuan Group Limited** (FSD 284 of 2023 (DDJ)) (Cayman Islands and BVI): Acting as junior counsel for parallel Cayman Islands and BVI schemes of arrangement of a Chinese property company restructuring over \$6bn of finance debt (led by Tom Smith KC).
- **Re Haimen Zhongnan Investment Development (International) Co Ltd** (BVIHC(COM) 2022/0183) (BVI) (involvement ongoing): Appeared unled in the BVI Commercial Court for the successful applicant bondholders in a contested winding up petition. Appeared unled (against a KC) in the ECSC Court of Appeal to successfully resist a stay application.
- **Re Seahawk China Dynamic Fund** (FSD 23 of 2022 (DDJ)) (Cayman Islands) (involvement ongoing): Assisted Tom Smith KC, who acted for the successful respondent to a just and equitable winding up petition brought in the Cayman Islands respect of a hedge fund with a NAV over \$400mn. Assisting in relation to an inquiry for damages arising out of an order appointing joint provisional liquidators.
- Drafted the skeleton argument in opposition to an application for a €35mn freezing injunction application in the BVI (with David Alexander KC).

- Provided an opinion on the common law principles applicable to specific performance of a c.\$4bn merger agreement between two technology companies in the Cayman Islands.
 - Provided an opinion on the common law principles applicable to winding up proceedings in the Cayman Islands based on an arbitral award (with Tom Smith KC).
 - Advised on numerous claims by liquidators of five investment funds in the Cayman Islands.
 - Drafted submissions on bondholder standing (in a New York law governed structure) for a winding up petition in the Cayman Islands.
 - Drafted the skeleton argument for a Cayman Islands company to restrain the presentation of a winding up petition in relation to a disputed debt (claimed at c. \$140mn).
 - Provided an opinion on issues arising in a Gibraltar administration.
 - Drafted the particulars of claim for a Guernsey commercial misappropriation claim and skeleton argument for an application for service out of the jurisdiction.
 - Drafted the reply statement of case for a Guernsey commercial case.
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Commercial Litigation & International Arbitration

- ***Seahawk China Dynamic Fund v Gold Dragon Worldwide Asset Management Limited*** (FSD 7 of 2024 (DDJ)) (Cayman Islands) (involvement ongoing): Assisting Tom Smith KC on behalf of the claimant hedge fund in a claim for breach of an investment management agreement seeking c.\$1bn in damages.
 - In relation to an HKIAC arbitration, advised on setting aside an award under the UNCITRAL Model Law.
 - Provided an opinion on the common law principles applicable to specific performance of a c.\$4bn merger agreement between two technology companies.
 - Drafted pleading for a commercial claim for misappropriated assets.
 - Drafted pleading for a commercial dispute over investment advice relating to alternative investments.
 - Produced research notes on spreads and markups and regulatory background in a contractual brokerage dispute (assisting Adam Al-Attar).
 - On various arbitration proceedings (as a solicitor):
 - conducted extensive research into jurisdictional arguments under the relevant BIT in an investor-state arbitration;
 - drafted elements of the Defence and Counterclaim and conducted research into breach of contract and professional negligence in an LCIA arbitration; and
 - researched and produced memoranda on issues including intra-EU BITs, *lis pendens*, and SCC emergency arbitrator provisions.
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Company

- Advised directors on procedural issues relating to meetings of shareholders.
- Drafted points of defence and a counter-petition to an unfair prejudice petition relating to a marine construction company.
- Instructed as sole counsel on numerous applications under the Companies Act 2006.

Admissions

2023	Admitted as a Barrister of the Eastern Caribbean Supreme Court in the Territory of the Virgin Islands (BVI)
2020	Admitted to the New York State Bar
2019	Called to the Bar of England and Wales
2018	Admitted as a Solicitor-Advocate (Civil Proceedings)
2016	Admitted as a Solicitor of the Senior Courts of England and Wales

Publications

'Ultimate beneficial holders of offshore bonds are contingent creditors for winding up proceedings' (2024) *Common Law World Review* ([online first](#)) (accepted manuscript available at [SSRN](#)).

Contributor to *Company Directors: Duties, Liabilities and Remedies* (Mark Arnold (ed), 4th edn, OUP (2024)) ('Accounting Records and Disclosure Requirements' and 'Capital and Distributions').

'US distressed debt techniques and minority protection in English law' (2022) 37(10) *Journal of International Banking and Financial Law* 667.

'The end of the Amigo scheme saga: *Re ALL Scheme Ltd* [2022] EWHC 1318 (Ch)' (2022) 19(5) *International Corporate Rescue* 247.

Contributor to *Tolley's Insolvency Law* (LexisNexis 2022) ('Financial Services Institutions and Markets').

'Antecedent Transactions and Cryptocurrency: The Australian and English Perspectives', with Lee Pascoe, *South Square Digest* (April 2022).

'The Lehman litigation: the waterfall keeps falling' (2022) 37(1) *Journal of International Banking and Financial Law* 7.

Editor of *European Investment Law and Arbitration Review* (2018 to 2023).

'Non-Party Access to Witness Statements and Open Justice: *Blue v Ashley* [2017] EWHC 1553' (2018) 37(3) *Civil Justice Quarterly* 299.

Education & Qualifications

2018-2019	Harvard Law School, LLM
2012-2014	University of Law, London, LLB, First Class (comprised of LPC, Distinction, and GDL, Distinction)
2008-2011	Brasenose College, Oxford University, BA in Ancient and Modern History, First Class (first in year)

Prizes & Scholarships

2019	Addison Brown prize for private international law (Harvard Law School)
2011	Finals prize (Brasenose College)
2010	Open Exhibitioner (Brasenose College)

Professional Associations

ILA

Combar

INSOL International

LCIA Young International Arbitration Group (YIAG)

New York State Bar Association

Interests

Sailing, skiing, travel, history