

## Peter Burgess

Called to the Bar 2019; admitted as a solicitor 2016

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Peter joined South Square as a tenant in October 2021.

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

As a pupil, Peter assisted on a wide variety of matters across Chambers' practice areas, including *Primeo Fund v Bank of Bermuda & HSBC* and *Nero Holdings Limited v Frep 3 (Notting Hill Gate 3) Ltd & Others*. Peter drafted advice on points including private international law issues relating to the beneficial ownership of overseas assets, and the interaction between freezing injunctions, proprietary injunctions, and orders for a quick sale. Peter also drafted pleadings in a number of matters including a conspiracy claim in a liquidation, a challenge to a company voluntary arrangement, and a misrepresentation claim.

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.

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## Insolvency & Restructuring

- Advised on out-of-court administration appointments for UK and foreign companies.
- Drafted a skeleton argument for the convening hearing for a restructuring plan under Part 26A of the Companies Act 2006 (assisting Marcus Haywood).
- Drafted a skeleton argument for an application for hard bar dates and a longstop date in the special administration of an investment bank under the Investment Bank Special Administration Regulations 2011 (assisting Adam Al-Attar).
- Drafted a skeleton argument for a recognition application under the Cross-Border Insolvency Regulations 2006 (assisting Adam Al-Attar).
- Drafted a skeleton argument for an inspection application in a challenge under section 6 of the Insolvency Act 1986 to a company voluntary arrangement (assisting Henry Phillips).

- Drafted a skeleton argument for the sanction hearing of a restructuring plan under Part 26A of the Companies Act 2006 (assisting Charlotte Cooke).
  - Drafted a skeleton argument opposing a recognition application under the Cross-Border Insolvency Regulations 2006 (assisting William Willson).
  - Drafted a skeleton argument for an application for a retrospective administration order (assisting Clara Johnson).
  - In an application by the administrators for Lehman Brothers International (Europe) (in administration) relating to a proof of debt, drafted elements of the position paper on complex and novel issues, researched and drafted memoranda on insolvency law and conflict of laws issues (as a solicitor).
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## Banking & Finance

- Produced research notes on regulatory issues under the Financial Services and Markets Act 2000 arising in the administration of an investment bank (assisting Henry Phillips) and in a brokerage dispute (assisting Adam Al-Attar).
  - Drafted advice on potential claims arising out of unsuitable defined benefit pension transfer advice (assisting Charlotte Cooke).
  - Researched and drafted memoranda on complex banking issues relating to credit default swaps and preferred debt securities; and drafted settlement documents and dealt with the discontinuance of proceedings and dismissal of appeal in a bond dispute in the Financial List (as a solicitor).
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## Commercial Litigation & Arbitration

- 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 Law

- Produced a research note on non-shareholder directors and relief in unfair prejudice petitions (assisting Marcus Haywood).
- Produced a research note on remedies in unfair prejudice petitions (assisting Hannah Thornley).
- Drafted a skeleton argument opposing an application under section 118(3) of the Companies Act 2006 for inspection of the register of members (assisting William Willson).

- Conducted research into adjourning shareholder meetings (assisting William Willson).
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## Offshore

- On a BVI case, produced a research note on certain procedural issues (assisting Alexander Riddiford).
  - On a Cayman Islands misrepresentation case, drafted a Reply and produced a research note on corporate attribution and estoppel (assisting Adam Al-Attar).
  - On a Cayman Islands case, conducted comparative law research relating to contributory negligence across the main common law jurisdictions (assisting William Willson).
  - On a Guernsey case, drafted elements of the Particulars of Claim for a conspiracy claim (assisting Clara Johnson).
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## Career

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

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## Publications

*European Investment Law and Arbitration Review* (editor)

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

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## 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)

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## **Prizes & Scholarships**

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

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## **Interests**

Sailing, skiing, travel, history