

Philip Judd

Called to the Bar 2017

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Phil enjoys a broad practice, with particular specialisms in insolvency and commercial litigation, and is ranked as a 'rising star' and Tier 1 in insolvency. He is instructed in a range of high-value matters, frequently appears unled in the High Court, and has a number of reported judgments over the past 12 months.

Before coming to the Bar, Phil graduated with a First Class degree in History from Oxford University (where he placed top of his year in Preliminary Examinations). He then worked in private equity and at a leading strategy consultancy in the City. He was involved in the largest financial restructure of a UK bank since the financial crisis and worked in mergers and acquisitions on various due diligence, valuation and acquisition projects with leading private equity groups.

Prior to pupillage, Phil was awarded Middle Temple's top scholarship for his legal training, and won the Rosamund Smith Moot Competition.

Commercial Litigation

Phil brings his commercial experience to his practice at the Bar. In his previous career, he gained expertise in banking, financial services and securities, capital restructuring, as well as regulatory regimes following the implementation of the Financial Services Act and Basel III. His experience also means that he is comfortable acting in high value commercial disputes.

A selection of his recent cases includes:

- *Essar Projects Limited v Y - CIJE Kuwait (2023)* - Successfully obtaining and continuing an anti-suit injunction on the basis of arbitration and governing law clauses.
- *Servis Terminal LLC v Drelle [2022] EWHC 1333 (Ch)* - Successfully obtaining a security for costs order against a Russian state-owned corporate backer.
- *PME Cake Ltd v Craig [2022] EWHC 1783 (Ch)* - Acting as sole counsel in a matter concerning whether a Tomlin Order crystallises or replaces any liabilities flowing from the underlying agreement in dispute.
- Advising in an ICC arbitration concerning an agreement to construct geothermal power plants worth \$2bn.
- *Clutch v DDI Holdings Ltd and Others* - Acting as sole counsel in a Commercial Court claim for discovery services in litigation.

Insolvency

Phil regularly appears in the High Court and before Insolvency and Companies Court Judges in insolvency matters. Notable recent instructions include:

- *Servis Terminal LLC v Drelle [2023] EWHC 506 (Ch)* - Acting in a £20 million bankruptcy based upon judgments of the Arbitrazh Court of Yaroslavl in Russia, in which the principal creditor was Gazprom Neft. The ICC considered whether a bankruptcy order should be made which would be to the benefit of the Russian state and whether Gazprom Neft's involvement in the Russian proceedings tainted the judgment debt (led by Simon Davenport KC).
- *Kaye v Lees [2023] EWHC 152 (KB)* - Acting on a successful application to cancel a breathing space moratorium. This important decision concerned the rights of creditors when a breathing space moratorium is sought under the Debt Respite Scheme Regulations 2020 (led by Kerry Bretherton KC). Phil also appeared as sole counsel before Swift J in a series of prior applications ([2022] EWHC 3326 (KB)) that concerned the time limits under those Regulations, in the first reported decision on this issue.
- *Servis Terminal LLC v Drelle [2022] EWHC 1333 (Ch)* - Successfully obtaining a security for costs order against a Russian state-owned corporate backer, the first such order noted in bankruptcy proceedings (led by Simon Davenport KC).
- *PME Cake Ltd v Craig [2022] EWHC 1783 (Ch)* - Concerning whether a liability under a Tomlin Order crystallises or replaces any liabilities arising by virtue of the underlying agreement in dispute.
- *Re Jolly Sailor Private Limited [2022] EWHC 897 (Ch)* - Appearing for the successful respondent in an appeal before Zacaroli J concerning whether company accounts are conclusive of a debt in winding-up petitions.
- *IV Fund Ltd SAC v Mountain [2021] EWHC 738 (Ch)* - Acting for the successful respondent in an appeal concerning expedition of a petition under section 270 IA 1986.
- *IV Fund Ltd SAC v Mountain* - Acting for the successful applicant in obtaining a cancellation of a moratorium under Regulation 19 of the Debt Respite Scheme Regulations 2020 in the first reported judgment of the ICC under the Regulations.

Phil has further experience in a range of corporate insolvency matters, including shadow and de facto directorship, breach of fiduciary duty, unlawful distribution, transactions at an undervalue and section 127 declarations. His practice also frequently involves appearing as sole counsel in contested winding up and bankruptcy petitions.

Company Law

Having worked in mergers and acquisitions in his time as a consultant, Phil is well-placed to act in shareholder disputes. He is developing particular expertise in petitions brought pursuant to section 994 CA 2006.

He also regularly advises as to the content of directors' duties, and has also recently advised as to whether significant payments out were distributions and/or otherwise in accordance with sections 171-6 CA 2006.

Notable Cases

<i>Servis Terminal LLC v Drelle</i> [2023] EWHC 506 (Ch)	Acting in a £20 million bankruptcy based upon judgments of the Arbitrazh Court of Yaroslavl in Russia, in which the principal creditor was Gazprom Neft. The ICC considered whether a bankruptcy order should be made which would be to the benefit of the Russian state and whether Gazprom Neft's involvement in the Russian proceedings tainted the judgment debt.
<i>Kaye v Lees</i> [2023] EWHC 152 (KB)	Acting on a successful application to cancel a breathing space moratorium. This important decision concerned the rights of creditors when a breathing space moratorium is sought under the Debt Respite Scheme Regulations 2020 (led by Kerry Bretherton KC).
<i>Kaye v Lees</i> [2022] EWHC 3326 (KB)	Acting as sole counsel before Swift J in a series of applications that concerned the time limits under the Debt Respite Scheme Regulations 2020, in the first reported decision on the issue.
<i>Servis Terminal LLC v Drelle</i> [2022] EWHC 1333 (Ch)	Successfully obtaining a security for costs order against a Russian state-owned corporate backer, the first such order noted in bankruptcy proceedings.
<i>Re Jolly Sailor Private Limited</i> [2022] EWHC 897 (Ch)	Appearing for the successful respondent in an appeal before Zacaroli J concerning whether company accounts are conclusive of a debt in winding-up petitions.
<i>IV Fund Ltd SAC v Mountain</i> [2021] EWHC 738 (Ch)	Acting for the successful respondent in an appeal concerning expedition of a petition under section 270 IA 1986. Bacon J's judgment is the first reported decision on expedition for over thirty years.
<i>IV Fund Ltd SAC v Mountain</i>	Acting for the successful applicant in obtaining a cancellation of a moratorium under Regulation 19 of the Debt Respite Scheme (Breathing Space and Mental Health Crisis Moratorium) Regulations 2020.
<i>Marcia Ayers-Caesar v (1) The Judicial and Legal Service Commission (2) The Attorney General of Trinidad and Tobago</i> [2019] UKPC 44.	Acting (led by Peter Knox KC and Robert Strang) in an appeal concerning the interpretation of the constitution of Trinidad and Tobago as it relates to judicial tenure.

Memberships

- Commercial Bar Association (COMBAR)
 - R3
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Qualifications / Education

- BA Hons. History (First Class), Pembroke College, University of Oxford
 - GDL, City Law School
 - BPTC, University of Law
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Awards

- Winner of the Rosamund Smith Moot, Middle Temple
- Queen Mother Scholarship (the Inn's top award), Middle Temple
- State School Scholarship, Middle Temple
- Advocacy Scholarship, University of Law
- City Postgraduate Scholarship (Full Fee), City Law School
- Domus Scholarship, Pembroke College
- Bregal Scholarship, Pembroke College
- H.W.C. Davies Prize (top mark in Prelims), University of Oxford