

## Philip Judd

Called to the Bar 2017

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Phil enjoys a broad practice which encompasses all areas of practice at South Square, with particular specialisms in domestic and cross-border insolvency, offshore, chancery and commercial litigation. He has wide experience of all aspects of insolvency work – in which he is ranked as a leading junior by Legal 500 – and frequently appears unled in the High Court.

Much of Phil's work has an international component, and he has advised in matters involving disputes in Hong Kong, the BVI, the Cayman Islands, Jersey and Guernsey. He is developing significant experience in the recognition of foreign insolvency proceedings and was recently instructed in the recognition of significant bankruptcy and related corporate insolvency process in Abu Dhabi under the CBIR 2006 in *Re Almuhairi and Ors* [2024] EWHC 535 (Ch). He also has significant experience acting for officeholders. He is instructed by the joint administrators in *Re Hartley Pensions* and regularly advises officeholders as to their powers, dispositions and appointments.

In addition, Phil undertakes a significant amount of commercial and arbitration work without any insolvency element. He has acted in a range of applications for injunctive relief, including for freezing orders and anti-suit injunctions, and is comfortable dealing with matters on an urgent basis. In his arbitration work he has recently advised in an appeal to the Mauritian supreme court, in an ICC arbitration concerning geothermal power plants worth \$2bn, and obtained wide-ranging anti-suit relief in *Essar Projects Limited v CIJE Kuwait*.

Phil has significant advocacy experience, having in his early years of practice appeared in a range of interlocutory applications and multi-day trials as sole counsel.

Before coming to the Bar, Phil graduated with a First Class degree in History from Oxford University. He then worked in consulting, initially working in financial services where he was involved in the largest restructure of a UK bank since the financial crisis, before then spending two years in mergers and acquisitions. Prior to pupillage, Phil was awarded Middle Temple's top scholarship for his legal training, and won the Rosamund Smith Moot Competition.

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## Commercial Litigation and Arbitration

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.

Phil has acted in a range of applications for injunctive relief, including for freezing orders and anti-suit injunctions, and is comfortable dealing with matters on an urgent basis. Phil also has experience of arbitration work, having recently advised in an ICC arbitration concerning an agreement to

construct geothermal power plants worth \$2bn.

A selection of his recent cases includes:

\* *Essar Projects Limited v CIJE Kuwait (2023)* - 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)* - 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.

\* *Clutch v DDI Holdings Ltd and Others* - Acting as sole counsel in a Commercial Court claim for discovery services in litigation.

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## Insolvency

Phil has extensive experience of both corporate and personal insolvency matters and is frequently instructed to act for officeholders, creditors and debtors in the full range of applications and claims under the Insolvency Act 1986. He frequently deals with matters on an urgent or interim basis and particularly enjoys applications of a technical nature.

In corporate insolvency matters, Phil acts for both officeholders and creditors, and his practice includes fraudulent trading, shadow and de facto directorship, claims for breach of fiduciary duty, unlawful distribution, transactions at an undervalue and section 127 declarations. He is also particularly experienced in personal insolvency matters, having acted for high-net-worth individuals in recent years.

Notable recent instructions include:

\* *Re Almuhairi and Ors [2024] EWHC 535 (Ch)* - Acting for trustees appointed in Abu Dhabi in recognition proceedings under the CBIR 2006 concerning a multi-billion dollar series of insolvencies.

\* *Servis Terminal LLC v Drelle* - Acting in a £20 million bankruptcy based upon Russian judgments. 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 (*[2023] EWHC 506 (Ch)*). Earlier proceedings concerned a security for costs order against a Russian state-owned corporate backer, the first such order noted in bankruptcy proceedings (*[2022] EWHC 1333 (Ch)*).

\* *Kaye v Lees [2023] EWHC 152 (KB)* - One of the first decisions to consider 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.

\* *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* – Acting for the successful respondent in an appeal concerning expedition of a petition under section 270 IA 1986 (*[2021] EWHC 738 (Ch)*) as well as cancellation of a moratorium under Regulation 19 of the Debt Respite Scheme Regulations 2020 in the first reported judgment of the ICC under that regime.

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## Offshore

Phil has advised in various offshore matters involving the laws of the UAE, DIFC, Singapore, Hong Kong, the Cayman Islands and the BVI.

He recently advised in a dispute as to the collapse of a group of investment firms operating in Guernsey and Jersey and is currently acting in a multi-jurisdictional dispute involving teams in Hong Kong and the Isle of Man.

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## Company Law

Phil has appeared in a range of applications under the Companies Act 2006, including, for instance, claims in respect of directors' duties, charges, securities and unfair prejudice actions.

Having worked in mergers and acquisitions in his time as a consultant, Phil is well-placed to act in shareholder disputes. He also regularly advises as to the content of directors' duties, and has recently advised as to whether significant payments out were distributions and/or otherwise in accordance with sections 171-6 of the Companies Act 2006.

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## Trusts and Property

Phil's recent experience includes a Part 8 claim between executors and trustees as to the administration of trust property, and a multi-day trial concerning whether lending gave rise to an equitable mortgage or an option subject to a trust.

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## 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