



## Joseph England

Called: 2011 | 2021, British Virgin Islands

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Joe is ranked in the latest edition of Chambers & Partners and Legal 500 as leading junior in six categories: Civil Fraud, Insurance, Aviation, International Arbitration, Energy and Insolvency.

Recent feedback (see *“What the directories say”* below) includes: *“Joseph is fantastic. Barristers at the Commercial Bar have a high work ethic but Joseph takes this to a different level. He turns work around fast, and unfailingly, to a very high standard...he regularly takes on and beats senior silks”; “a dangerous adversary, constantly looking for weaknesses in his opponent’s position and clients love him.”; “inventive, bold, and tenacious...fearless about taking on any other field or adversary; and “An up-and-coming star”.*

He qualified as a solicitor at Allen & Overy LLP before transferring to the Bar. He spent the first year of his practice as the Judicial Assistant to Lord Sumption and Lord Wilson in the Supreme Court. Joe soon returned to the Supreme Court as Counsel in *Bank of Cyprus UK Limited v Menelaou* [2015] UKSC 66.

Recent work includes:

- Acting for GE/Safran in highly publicised claims relating to the falsification of its engine parts/release certificates (with Matthew Reeve KC)
- Acting for lessors (in both “Lessor” and “Operator Claims” (Russian and Ukraine) in the aviation insurance litigation arising out of Russia’s invasion of Ukraine, the largest commercial case of 2023 and 2024.
- Acting (with Simon Rainey KC and Jeremy Richmond KC) for Afghanistan International Bank in claims relating to guarantees and jurisdiction ([2023] EWHC 3294 (Comm))
- Insurance aspects of the David Fuller case involving the sexual abuse of dead bodies at Kent/Sussex hospitals.
- Acting (as sole Counsel) for Samsung defending a c.£90 million negotiating damages claim in Chancery (Intellectual Property List) brought on behalf of the Ministry of Defence.
- Acting (with Simon Rainey KC) in an ongoing Commercial Court claim arising out ATE insurance in the VW Litigation.
- Acting (as sole Counsel) in c.20 interim hearings and at trial in the Commercial Court for XL Insurance [2022] EWHC (Comm) 2093 including a ground-breaking fraud case involving HMRC’s receipt of proprietary funds (*XL v IPORS & Others* [2021] EWHC 474 (Comm); [2018] EWHC 2251 (Comm)); multiple worldwide injunctions and one of the first contempt applications relating to commercial freezing injunctions under the new CPR 81 (*XL Insurance Company SE v Paul Alan Corcoran* [2021] EWHC 1407 (Comm))
- Acting (with Paul Downes QC) on a Commercial Court claim for a Brazilian Bank against Tranferwise involving currency exchange transactions.
- Acting for the family of footballer Emiliano Sala in the civil proceedings and Inquest relating to his death.
- Acting (with Matthew Reeve KC) for successful claimants in a trial in the BVI (and on appeal to the Eastern Caribbean Supreme Court in January 2023) concerning the landing of a helicopter onto a superyacht (The M/Y “Bacarella” BVIHCMP2002/017)
- Acting and advising AXA XL on disputes including relating to Covid-19 and acting in multi-party fraud claims against coverholders ([2022] EWHC 985 (Comm); [2022] EWHC 306 (Comm); | [2021] EWHC 3551 (Comm)); and acting for coverholders in a c.£6 million arbitration against a Bermudan insurer.

- Appearing (unled) in the Court of Appeal in a second appeal concerning premature execution of registered foreign (*Islandsbanki hf, HMRC, Shinclear Holdings Ltd v Kevin Gerald Stanford*- [2020] EWCA Civ 480), arising from the largest and hotly contested personal insolvencies against Founder of All Saints fashion brand, including a successful case management appeal ([2019] EWHC 307 (Henry Carr J); [2019] EWHC 595 (Ch.) [2019] (ICC Judge Jones); [2019] 6 WLUK 295 (Fancourt J))
- Acting in c.10 cases involving email frauds, including *World Proteins v Persons Unknown*[2019] EWHC 1146 (QB) (injunction); [2019] 6 WLUK 500 (judgment).
- Acting (led by Chris Smith QC) in Commercial Court proceedings concerning the sale of crude oil arising from a joint venture with the Government of Turkmenistan, including discharging a freezing order (and resisting a subsequent appeal) - *United Petroleum Trading Switzerland SA v Mitro International Ltd*[2019] EWHC 1382 (Comm.)
- Acting for the Government of India, most recently (led by David Wolfson QC) resisting enforcement of a c.£70 million award under s.103 of the Arbitration Act 1996 - *A v B*[2018] 5 WLUK 366; *Hardy Exploration and Production vs India* [2018] EWHC 1916 (Comm.).
- ICC ship-building arbitration (led by Thomas Macey-Dare QC) and several international oil and gas/construction arbitrations (led by Steven Walker QC) which involved near-full time work from 2013-2018 and 2019-2021, and appearing or giving evidence in the Courts of Switzerland, France, Ireland, Poland, Caraco, Mauritius, Nigeran, Scotland and The Netherlands.
- Acting in an appeal about the scope of the regulations affording debtors a Mental Health Criss Moratorium.

## What the directories say

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- *"Joseph is a first-class barrister. His dedication and unwavering work ethic make him an invaluable asset. His expertise in both civil fraud, particularly proprietary claims, and contempt complement each other and often overlap, enabling him to provide sound advice from both a practical and holistic perspective."*(Legal 500, 2024)
- *"Joe provides a first-class service. He is very thorough and knowledgeable and is a great asset to a case. He is very responsive and brings an added element to a defence by thinking of all the different angles. A genuinely nice man and a great advocate."*(Legal 500, 2024)
- *"Joseph is on top of all the details in a case."*(Legal 500, 2024)
- *"Joe is extraordinary. He is always available, always makes you feel like the only client, is all over the detail and shows no fear in the face of new areas of law."*(Chambers UK, 2024)
- *"He is a master strategist, navigates client politics and can be a ruthless advocate."*(Chambers UK, 2024)
- *"A very safe pair of hands with excellent attention to detail and first rate client care skills - a hidden gem with a very bright future."*(Legal 500, 2023)
- *"Nothing is too much trouble, he is always available and will do whatever is necessary to ensure the client receives the very best advice and representation. He is practical and commercial and well liked by clients. His written abilities are strong and advocacy excellent."*(Legal 500, 2023)
- *"Joseph is fantastic. Barristers at the commercial Bar have a high work ethic, but Joseph takes this to a different level. He turns work around fast and, unfailingly, to a very high standard. He has a wide range of insurance experience and previously worked in house at a leading insurer, which brings an excellent inside knowledge to bear for clients. His advocacy is beyond his call, and he regularly takes on and beats senior silks."*(Legal 500, 2023)
- *"He is practical and commercial and well liked by clients."*(Legal 500, 2023)
- *"The complete package, his advice is precise, thoughtful and practical, and always takes account of the broader strategic picture."*(Legal 500, 2023)
- *"Has an engaging enthusiasm for arbitration, dispute resolution and the law. He has an excellent, down to earth, practical and highly commercial outlook."*(Legal 500, 2022)
- *"He is inventive, bold, and tenacious. Joseph is vastly experienced in fraud but is fearless about taking on any other field or adversary."*(Legal 500, 2022)
- *"He listens carefully and explains clearly and authoritatively. He is also an excellent advocate."*(Legal 500, 2022)
- *"Responsive, user-friendly, client-focused, approachable and commercially practical, he is excellent at analysing complex facts and ensuring that the clients understand them."*(Legal 500, 2022)
- *"Joe is conscientious and has a deep knowledge of arbitration law - he's someone to watch and is going places."*(Legal 500, 2021)
- *"Very conscientious, hardworking and enthusiastic, he is good on his feet and should go far."*(Legal 500, 2021)
- *"A up-and-coming star in civil fraud litigation. He has an intuitive feel for how the court will see cases. His grasp of the law and how to put legally complicated points is also excellent. He is a dangerous adversary, constantly looking for weaknesses in his opponent's position and clients love him."*(Legal 500, 2021)
- *"He is becoming a formidable opponent in court."*(Legal 500, 2021)

## International Arbitration

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*"Joe is conscientious and has a deep knowledge of arbitration law - he's someone to watch and is going places."* (Legal 500, 2021)

Since starting practice to present, Joe has been engaged almost full-time in London and Geneva on a large and long-running multi-million pound ICC oil and gas arbitration, and substantial related matters, working with teams in Poland, The Netherlands, Ireland, Curaçao, Scotland, the US, Nigeria, Mauritius, London and Switzerland.

Joe is currently or has recently been instructed on the following other international arbitration matters;

- Acting in 2021 in a c.£1 billion ICC arbitration relating to a production sharing and joint venture agreement.
- Acting for a foreign state (led by David Wolfson QC and Nehali Shah of One Essex Court) in resisting the enforcement of a c.£70 million award under s.103 of the Arbitration Act 1996, including obtaining relief from sanctions (*A v B* [2018] 5 WLUK 366) and third party debt order proceedings involving issues of foreign law and State Immunity (*Hardy Exploration and Production vs India* [2018] EWHC 1916 (Comm.)).
- Acting (led by Mark Howard QC and others) for the claimants in an UNCITRAL arbitration concerning claims of over US\$150m relating to a joint venture for the production and marketing of base oil products
- Acting in a major investment treaty arbitration against Uzbekistan in 2017.
- Providing expert evidence in an ICC arbitration relating to matters arising out of the SFO investigation of Airbus (with Bettoseraglini, Paris).
- Advising on and drafting (with Schillings) on multi-tier arbitration clauses for a complex multi-jurisdictional confidentiality matter.
- One of the largest and most high profile enforcements in the Irish Courts (with Matheson) of an arbitral award, including advising on injunctive relief and questions of confidentiality, and appearing in the High Court in Dublin in the proceedings.
- Enforcement Proceedings (with Houthoff Buruma,) of an arbitral award in The Netherlands, including providing expert law opinions on several aspects of English law and arbitration matters for Court proceedings.
- Witness Examination and Disclosure Proceedings, including in Dutch Court of Appeal (with Houthoff Buruma), arising out of an alleged oil and gas fraud, including several expert opinions and attending hearings in The Netherlands.
- Enforcement and injunctive relief proceedings (with BSJP, Poland) of an arbitral award in the Warsaw Commercial Court and Court of Appeal, including expert opinions and appearances in the Warsaw Commercial Court.
- Successfully resisting a s.68 claim (using the summary procedure) in the Commercial Court in relation to a c.£15 million arbitral award.
- Successfully obtaining a s.66 enforcement in the Commercial Court for a large arbitral award.

Joe has lectured and written on arbitration, including for the forthcoming *Pleadings in Arbitration* (2nd Edition), provides regular in-house training for Euromoney Plc's seminar programme for leaders in the oil and gas industry, and was a keynote speaker on arbitration at the CARICOM Oil and Gas conference in Barbados attended by government ministers from across the Caribbean.

## Commodities & International Trade

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Joe has particular experience in international sale of goods, especially fruit. His recent work includes:

- Appearing for the successful claimant in a Commercial Court trial concerning the condition of pomegranates from Peru (*INCA Invest SAC v MSCM International Ltd* [2020] 2 WLUK 297)
- Acting for a major canning company in Mercantile Court proceedings involving a novel drink product; and for a major supplier of soft drinks to the Middle East.
- Acting and advising in Court proceedings concerning vintage/luxury cars.
- Acting and advising on several cases concerning the international sale of grapes, lemons, tomatoes and grain.
- Junior counsel in Commercial Court proceedings enforcing a guarantee arising out of a commodities dispute in excess of £20 million raising novel questions of law.
- Sole counsel in proceedings under CPR Part 71 including cross-examining directors of an oil and gas plc in relation to c.£20 unpaid judgment in the High Court.
- Sole Counsel for the Indian Government in proceedings arising out of a commodities arbitration.
- Several cases involving e-mail frauds perpetrated against commodities companies involving injunctions and

Bankers' Trust orders e.g. *World Proteins v Persons Unknown* [2019] EWHC 1146 (QB) (injunction); [2019] 6 WLUK 500 (judgment).

- CMR claims

## Shipping

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Joe is currently or has recently been instructed on the following shipping matters:

- A confidential live c. €30 million dispute currently as sole Counsel.
- Sole counsel in a Commercial Court claim involving Nigerian cabotage approvals under a charterparty (settled shortly before trial).
- Junior counsel in four related ICC and LMAA arbitrations involving oil rig disputes.
- Advising on the implications of Hanjin shipping insolvency.
- Advising on the meaning of "about" in relation to bunkers for charterers and the construction of a GA bonds and guarantees.
- Demurrage claims
- Bills of Lading disputes
- Hire claims, including a current live LMAA claim for c.USD 5million.
- Commercial Court claim involving jurisdictional issues under multiple charterparty agreements.
- TCC dispute arising out of stevedore agreements at the Port of Tilbury
- Defending a claim against the Nigerian Port Authority

## Chancery Commercial

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Joe is currently or has recently been instructed on the following chancery/company matters;

- Junior Counsel in the Supreme Court on an appeal concerning subrogation (*Menelaou v Bank of Cyprus* [2015] UKSC 66), which has raised particular debate among practitioners and academics.
- As sole counsel, obtaining multiple proprietary injunctions and related relief (involving around 12 interim hearings) in the Commercial Court arising out of misappropriation of funds held by coverholders from one of the world's largest insurers (see "Insurance and Reinsurance" below)
- Junior counsel in a "test case" concerning a guarantee given under s.479C of the Companies Act 2006 in relation to a c.£20 million debt.
- Acting and advising in a guarantee claim concerning the surrender of leases in excess of £5 million (*Padwick Properties v Punj* [2016] EWHC 502 (Ch.))
- Seconded to HSBC in relation to mis-selling claims.
- Several trials and appeals in relation to mortgage claims, with particular expertise in possession and overriding interest trials. In 2018, Joe acted in complex possession proceedings (led by John Passmore QC) arising out of Greek and Commercial Court proceedings for a freezing injunction for c.£7 million,
- Several cases concerning the execution of judgments and EEOs.
- Acting in Commercial Court proceedings enforcing a borrower's obligations to provide documents pursuant to a loan note and debenture.
- Advising on loan and ISDA documentation for borrowers and lenders.
- Acting as sole Counsel in a live s.994 unfair prejudice petition for a well-known Indian film producer where the company's value exceeds £150 million; and three other live s.994 shareholder disputes.
- Acting for the successful petitioner in first case where the Court has awarded compensation directly to the Petitioner in the context of s.994 (*Rembert v Daniels* [2018] EWHC 388 (Ch.)), now cited in leading textbooks on the subject.

## Insolvency

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"He is becoming a formidable opponent in court." (Legal 500, 2021)

Joe is currently or has recently been instructed on the following insolvency matters;

- Acting as sole Counsel for an Icelandic bank in long-running and multi-party bankruptcy proceedings against Kevin Stanford, the founder of Karen Millen and All Saints retailers. The case has featured over 10 hearings including a successful appeal raising novel procedural issues. (*Islandsbanki HF v Kevin Stanford* [2019] EWHC 307)

- *McCarty v Tann & Others* [2016] EWHC 2049 (Ch) relating to a proof of debts and relief from sanctions.
- Advising on the insolvency aspects of Hanjin Shipping and its effect on numerous live shipping claims.
- Junior Counsel in a c.EUR 26 million dispute restraining a winding-up petition in both England and Ireland based on the debtor's COMI.
- Obtaining several injunctions to restrain the presentation of winding-up petition against a company on the basis of disputed debts.
- Numerous other insolvency and bankruptcy applications and hearings,
- Acting in live Commercial Court proceedings concerning the effects of administration and proprietary claims in the face of a statutory moratorium.
- A successful 3-day Chancery trial relating to CVAs and a 1890 Act partnership.
- Junior Counsel (with Leading English and Irish Counsel) in relation to corporate insolvency proceedings in Ireland against a leading energy company.

Joe is a contributor to *International Corporate Rescue*.

## Energy

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*"Very conscientious, hardworking and enthusiastic, he is good on his feet and should go far."*(Legal 500, 2021)

Much of Joe's litigation and arbitration work has focused on international energy disputes. Recent and present energy cases include:

- Sole Counsel in live Commercial Court proceedings for USD8 million concerning an oil and gas venture involving the Nigerian Petroleum Development Company, including obtaining a freezing injunction over a year after proceedings commenced against a well-known Nigerian businessman alleged to have misappropriated c.USD1.8 billion from the Nigerian State. (*Lengard Projects v Aluko* [2017] EWHC (Comm.))
- Acting (led by Mark Howard QC and others) for the claimants in an UNCITRAL arbitration concerning claims of over US\$150m relating to a joint venture for the production and marketing of base oil products
- Advising with Nigerian and Mauritian Counsel on loan note agreements relating to a well-published energy venture in the Nigeria Delta subject to terrorist attacks.
- Junior Counsel in an c.US\$ 20 million ICC arbitration concerning the value of shares in an oil and gas field in Siekierki in Poland, and then resisting a s.68 challenge in the Commercial Court.
- Advising on all English law aspects (and providing legal opinions for the Court) in proceedings in the The Netherlands involving an alleged fraud by the directors of American and Irish energy companies.
- Instructed with Polish Counsel in relation to Polish Commercial Court proceedings for violations of a shareholders' agreement over a project in Racwicz.
- Appearing in the Irish High Court in well-publicised proceeding for the enforcement of an arbitral award against an Irish energy company.
- Junior Counsel in four related LICA and ICC arbitrations involving oil rig disputes.
- Advising with Floridian Counsel on agreements concerning an energy project in Iraq, and advising as Junior Counsel on dispute resolution clauses for an Australian mining group.

## Insurance

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- Acting for insureds relation to a major coverage issue under D&O policies relating to Commercial Court and Court of Appeal litigation and in multiple other jurisdictions.
- Advising in relation to a very well-known helicopter crash
- Acting for insureds in claims under business property insurance and income protection policies.
- Acting (with Matthew Reeve KC) for the family of footballer Emiliano Sala in civil proceedings relating to his death and for the successful claimants in an 8-day trial in the BVI concerning the landing of a helicopter onto a superyacht (*The M/Y "Bacarella"* BVIHC (Com) 2018/0062, Judgment 17 May 2021)
- Advising major insurers on the impact of Coronavirus.
- Sole Counsel for insurers in a c.£4million live Commercial Court claim for unpaid premiums by a cover holder, including obtaining a worldwide freezing order (and permission to enforce outside of the jurisdiction), multiple disclosure orders and further injunctions in support of proprietary claims by insurers.
- Secondment to XL Catlin's legal department
- Junior Counsel (led by Robert Hunter, solicitor-advocate) in a 3-day QBD trial relating to the quantification of claims against insurers in relation to damage to specialist light aircraft.

- Acting for the insured in successfully resisting claims by an insurer for material non-disclosure on the basis of past corporate insolvencies.
- Advising on the applicability and transitional provisions of the Insurance Act 2015 in a High Court dispute concerning the delivery of faulty equipment.
- Advising and drafting business and home insurance policies for UHNWIs for XL Catlin.
- Successfully obtaining third party disclosure in novel circumstances against HMRC for insurers (*XL Catlin v IPORS & others* [2018] EWHC 2251 (Comm).)
- Obtaining proprietary and freezing injunctions for AXA XL against coverholders and their directors in live Commercial Court proceedings.

## Aviation

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A substantial part of Joe's practice involves aviation disputes of all kinds, and recent works includes:

- Acting (with Matthew Reeve KC) for aircraft lessors in relation to the multi-billion dollar "mega litigation" against insurers arising out of the Russian invasion of Ukraine.
- Acting (with Matthew Reeve KC) for the family of footballer Emiliano Sala in the well-published Inquest and multi-civil proceedings (involving over 15 parties) relating to his death (settled in late 2022).
- Acting for the aircraft owner in well-publicised High Court proceedings in 2023 involving the destruction of his aircraft by the suicide of the special effects creator of *Lord of the Rings*.
- Acting (with Matthew Reeve KC, with Harneys) for the successful claimants in a trial in the BVI concerning the landing of a helicopter onto a superyacht (*The M/Y "Bacarella" BVIHC*(Com) 2018/0062, Judgment 17 May 2021) and in an appeal to Eastern Caribbean Supreme Court raising issues over interest under the BVI Merchant Shipping Act and costs of non-BVI registered lawyers (Judgment, January 2023).
- Acting in live High Court proceedings commenced in 2023 arising out of a tragic aircraft accident involving disputes over piloting, if the flight was "for reward" and the financial and physical losses alleged.
- Acting (with Matthew Reeve KC) in live High Court Claim issued in 2023 relating to alleged defective maintenance to EasyJet aircraft.
- Acting in a multi-million claim in the Commercial Court against Iraqi Airways commenced in 2023.
- Acting regarding recovering a mortgaged aircraft from a country not covered by the Cape Town Convention.
- Acting (with Matthew Reeve KC) for the family of footballer Emiliano Sala in the well-published Inquest and multi-civil proceedings (involving over 15 parties) relating to his death (settled in late 2022).
- Acted for defendants resisting a claim brought in late 2022 for allegedly defective inspection of propellers.
- Acting for aviation insurers in a live KBD claim commenced in 2022 involving allegations of negligence relating to the piloting a light aircraft incident upon engine failure.
- Acting for leading helicopter instructor in a claim relating to simulated engine failure exercises (settled 2022).
- Acting in two Commercial Court claims for large sums due under aircraft leases.
- Acting (with Matthew Reeve KC) in a Commercial Court Claim in 2022 against the Republic of Sudan in relation to claims arising out of pilgrimage flights to the Holy Land.
- Acting as Sole Counsel for PrivatAir SA in a c.EUR 30 million dispute relating to lease agreements and fraud allegations in the Commercial Court against a Republic of Congo's airline.
- Junior Counsel (led by Robert Hunter, solicitor-advocate) in a 3-day High Court trial relating to the quantification of claims against insurers in relation to damage to specialist light aircraft.
- Providing Expert Evidence (instructed by Bettoseraglini, Paris) in ICC Arbitration involving allegations against Airbus

## Academic

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BA (Hons) (1st Class), LLB (Hons) (1st Class), GDL (Distinction), LPC (Distinction)

## Awards

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Hammonds Prize for Contract Law, Equity & Trusts Prize, Allen & Overy Prize for Distinction, Hardwicke Scholarship, Pupillage Scholarship, European Courts of Justice Programme, UK/US Supreme Court Exchange.

## Ranking

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## Publications

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"Judicial morale, advice for the junior commercial Bar, and life beyond the law" - published in Counsel Magazine  
Contributor to "Pleadings in Arbitration" (2nd Edition)

## Appointments

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Called to the Bar of the British Virgin Islands (2021)

## Memberships

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ICC YAF  
COMBAR (Junior Committee)  
Chancery Bar Association

## Interests

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Before a career in law, Joe started life as a professional child actor appearing in lead roles in Hollywood films (Miles in Turn of the Screw, Simon Magus, Fierce Creatures, Thomas in Robert De Niro's Frankenstein, Joshua in Chicken Talk); West End plays (John in David Mamet's The Cryptogram with Eddie Izzard and Lindsay Duncan; Douglas in Shadowlands); television (Anthony Makes a Friend, Jackonary and Confessions for BBC1; London Kills Me, Comics and The Body Story for Channel 4); and advertisements (Flash, Koolaid, Jenga, Kraft Cheese). He was recently a legal adviser to the hit play Privacy at the Donmar Warehouse.