



Joseph Sullivan

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Joe specialises in commercial law, banking and finance, commercial fraud and professional negligence. His practice encompasses the High Court, the Court of Appeal, the Supreme Court and arbitrations across the gamut of institutional rules.

Joe is described in the Legal 500 as *"A fantastic barrister who gets to the heart of issues, and expresses advice in a clear, concise and digestible manner. A first rate advocate"*.

Recent reported decisions include the following:

- Junior counsel for a group of investors in bribery, conspiracy and unfair prejudice proceedings arising out of an investment in a security company in the High Court and the Court of Appeal, *King Security Systems Ltd v King* [2021] EWCA Civ 1350, [2021] EWHC 325 (Ch), *King v Stiefel* [2021] EWHC 1045 (Comm), *King v Primekings* (instructed by Macfarlanes LLP and Teacher Stern LLP);
- Lead counsel for the respondent in the Court of Appeal in *Broadcasting Investment Group Ltd v Smith* [2021] EWCA Civ 912, an appeal concerning the scope of the rule against reflective loss (instructed by Gowling WLG LLP),
- Lead counsel for the respondent in the Supreme Court in *Takhar v Gracefield Developments* [2020] AC 450, now the leading authority on the test for setting aside a judgment on the ground that it was procured by fraud (instructed by Gowling WLG LLP);
- Junior counsel for the appellant in *Minister of Finance v International Petroleum Investment Company* [2020] 2 All ER (Comm) 269, in which he acted for the Malaysian government against an Abu Dhabi sovereign wealth fund in a claim arising out of the "1MDB scandal" (instructed by Eversheds Sutherland LLP);
- Junior counsel for the appellant in *WH Holding Ltd v E2O Stadium LLP* [2018] EWCA Civ 2652, the first televised hearing in the Court of Appeal in which the Court revisited the scope of litigation privilege and the threshold for judicial inspection of documents when privilege is challenged (instructed by Gateley plc);
- Junior counsel for the second respondent in the *Court of Appeal in NCA v RBS and others* [2017] 1 WLR 3938, the leading authority on the grant of interim declarations (instructed by Howard Kennedy LLP);
- Junior counsel for the respondent insurer in the Court of Appeal in *AmTrust Europe Ltd v Trust Risk Group* [2016] 1 All ER (Comm) 325, in which the Court gave guidance as to the proper approach when faced with conflicting jurisdiction agreements (instructed by Clyde and Co LLP);

Joe is recommended as a leading junior in the Legal 500 for commercial dispute resolution, civil fraud and banking & finance.

What the directories say

- *"Ferociously intelligent and extremely hardworking. He always makes himself available to deal with queries and he is an instructing solicitor's dream. There is no doubt that he will make a fantastic KC in the future."* (Legal 500, 2024)
- *"Scarily bright and a first-class advocate. A KC in waiting."* (Legal 500, 2024)

- *"Joseph Sullivan is really pragmatic and delivers excellent legal views. He understands the clients and their commercial drivers."*(Chambers UK, 2024)
- *"An excellent barrister – very commercial whilst still delivering legal work of the highest quality. Appreciates the demands of large clients in a complex area. Very strong oral and written advocacy skills."*(Chambers UK, 2024)
- *"He is very personable, solicitors love him and he is an experienced advocate."*(Chambers UK, 2024)
- *"Joe is very effective and a very good advocate with an incredibly strong written style and a powerful intellect."* (Chambers UK, 2024)
- *"He is very responsive, clever and easy to deal with. Particularly on fraud matters, he is an expert."*(Chambers UK, 2024)
- *"Joseph is a junior of choice and definitely someone to have on your side."*(Chambers UK, 2023)
- *"The quality of his written work is fantastic - he cuts through and analyses the case expertly."*(Chambers UK, 2023)
- *"Joe is a star: exceptionally bright, always gives straightforward advice and remains calm even with the most difficult of clients and opponents."*(Legal 500, 2023)
- *"His judgement and his technical expertise are second to none. He is a great team player."*(Legal 500, 2023)
- *"Joe is first class. He is very clever, very astute and very client friendly. He is also very strong on his feet. The complete all rounder."*(Legal 500, 2023)
- *"A fantastic barrister who gets to the heart of issues, and expresses advice in a clear, concise and digestible manner. A first rate advocate."*(Legal 500, 2022)
- *"A stellar junior who is utterly dependable, hard-working and incredibly quick thinking and incisive. No doubt he will go far."*(Legal 500, 2022)
- *"Brilliant junior - intellectually superb, but also has a great feel for the strategy and tactics of a case."*(Legal 500, 2021)
- *"A stand out junior with experience and an ability beyond his call, he is extremely diligent and reliable and a pleasure to work with."*(Legal 500, 2021)
- *"Very knowledgeable, hardworking, responsive, and really easy to work with."*(Legal 500, 2020)
- *"A star of the future who is not afraid of anyone."*(Legal 500, 2019)
- *"Absolutely terrific; he is very clever and thorough, and an absolute delight to work with."* (Legal 500, 2017)

Commercial Dispute Resolution

Joe is instructed to advise, draft pleadings and appear as an advocate across the gamut of commercial work, both in court and arbitration. He has particular interest in and experience of claims involving multiple jurisdictions, disputes as to choice of law, allegations of fraud and complex expert evidence.

Example cases include:

- ***King Security Systems Ltd v King*** [2021] EWCA Civ 1350, [2021] EWHC 325 (Ch) [and ongoing] (instructed by Macfarlanes LLP) - Junior counsel for a group of investors in unfair prejudice proceedings arising out of an investment in a security company in the High Court and the Court of Appeal.
- ***Luxury Escapes v Riviera Travel***[2020 ongoing] (instructed by Gowling WLG LLP) – Counsel for the Claimant in a claim concerning a contract for the provision of European river cruises: the case concerns force majeure arising out of the Covid-19 pandemic.
- ***A v B***[2021 ongoing] – (instructed by Preston Turnbull LLP) - Counsel for a gas company in \$366 million arbitrations concerning the failure of a supplier to deliver gas in which the respondent relies on a defence of force majeure.
- ***A v B***[2021 ongoing] (instructed by Rosenblatt LLP) – Counsel for the respondent in a \$38 million LCIA arbitration concerning the payment of deferred consideration pursuant to a share purchase agreement.
- ***Conocophillips Company v Chrysaor E&P Ltd***[2021] – (instructed by Clifford Chance LLP) – Junior counsel for

the defendant in a claim concerning a \$2.675 billion reverse merger in which there was a dispute regarding the construction of the contract.

- **Broadcasting Investment Group v Smith** [2022] 1 WLR 1 [and ongoing] (instructed by Gowling WLG LLP) – Lead counsel for the first defendant in a claim concerning an alleged oral contract for the transfer of shares. Court of Appeal considered the application of the rule against reflective loss following *Marex v Sevilleja*.
- **ABT Auto Investments v Aapico Investment PTE Limited** [2020 ongoing] (instructed by Clyde & Co LLP) – Junior counsel for the claimant in a claim concerning the valuation of shares appropriated pursuant to a share pledge (and the meaning and effect of the Financial Collateral Arrangements (No 2) Regulations 2003).
- **WH Holding Ltd v E20 Stadium LLP** [2018] EWCA Civ 2652 (instructed by Gateley plc) – Acted for West Ham Utd in an appeal in a dispute with the London Stadium management company. The appeal concerned the scope of litigation privilege and the test for when a judge will inspect documents over which there is a challenge to privilege.
- **Manx Capital v GIC and others** [2018 - 2020] (instructed by Gowling WLG LLP) – Acting as sole counsel for GIC, a Singapore sovereign wealth fund, in a claim brought against it arising out of the RBS Rights Issue litigation. A party purporting to represent the former claimants' action group seek declarations of liabilities against the defendants totalling nearly £24 million, said to comprise costs incurred on the defendants' behalf when they were members of the action group.
- **St Vincent European General Partner v Robinson and others** [2017] EWHC 1729 (Comm) (instructed by Trowers & Hamlin LLP) – Acted for Claimant investment vehicle in Commercial Court claim against multiple defendants for breach of a share pledge and conspiracy involving a property development in Poland.
- **Cunliffe v Prometric** [2016] EWCA Civ 191 (instructed by Allen and Overy LLP) – Acted for Appellant in Court of Appeal regarding the approach the Court should take to analysing an alleged oral contract.
- **AmTrust Europe Ltd v Trust Risk Group** [2016] 1 All ER (Comm) 325 (instructed by Clyde and Co LLP) – Acted for the Claimant in a €32m Commercial Court claim regarding the misappropriation of €32m in insurance premiums in Italy linked to a €3 billion Italian arbitration in which there were allegations of bribery of an arbitrator and death threats to witnesses.

Fraud

Joe is an established commercial fraud practitioner and is regularly instructed to obtain urgent interlocutory relief to trace and secure assets. He has particular experience of multi-jurisdictional claims and often works as part of an international team. He also has a growing practice in civil bribery claims. In addition to regularly obtaining freezing orders and other ancillary relief in connection with bank frauds, example cases include:

- **KSSL v King** [2021] EWHC 325 (Ch) (instructed by Teacher Stern LLP) – Junior counsel for the Claimant in a claim against a former director in bribery, breach of fiduciary duty and fraudulent misrepresentation.
- **King v Stiefel and others** [2021] EWHC 1045 (Comm) (instructed by Macfarlanes LLP) – Junior counsel for the 1st to 4th Defendants in an unlawful conspiracy claim brought against investors in a business. Succeeded in application for claim to be struck out.
- **FAP Art Management v Inigo Philbrick** [2020 ongoing] (instructed by Clyde & Co LLP) – Counsel for judgment creditors in an art fraud dispute in which a third party seeks to assert an interest in certain pieces of art.
- **Gracefield Developments v Takhar** [2019] 2 WLR 984 (instructed by Gowling WLG LLP) - Appeared as lead counsel for the Respondent in the Supreme Court before a 7 justice panel in a test appeal in which the Court set out a new test for setting aside a judgment on the ground that it was procured by fraud.
- **Minister of Finance (Malaysia) Inc v International Petroleum Investment Company** [2019] EWCA Civ 2080 (instructed by Eversheds Sutherland LLP) – Appeared as junior counsel for the Malaysian government in Commercial Court proceedings and an LCIA arbitration against an Abu Dhabi sovereign wealth fund arising out of the multibillion dollar 1MDB Scandal, described by the US Attorney General as “kleptocracy at its worst”. Case included a Court of Appeal judgment examining the scope of the Court’s supervisory jurisdiction over arbitrations.
- **Bidvest v Foley and others** [2017] EWHC 2799 (QB) (instructed by Gateley plc) – Acting for 17th and 18th Defendants in a substantial bribery claim brought by an international company against a former managing director.
- **Chen v Shen** [2016-2018] (instructed by Gowling WLG LLP) – Acting for Defendant in Chancery Division proceedings concerning the ownership of a number of supercars, including a 1963 Ferrari 250 GTO worth in excess of \$50 million. Claimant alleges an underlying multi-jurisdiction fraud in excess of \$240m.
- **Therium v Brooke** [2016] EWHC 2421 (Comm) (instructed by Marcus Sinclair LLP) – Appeared as junior counsel for the Claimant litigation funder in a claim for wrongful misappropriation of €3.8 million claim proceeds by a funded litigant. The claim involved multiple interim orders to secure and trace the claim proceeds around the

world, culminating in a committal application which led to the Defendant being committed to prison for 21 months for contempt.

Banking

Joe is instructed across a broad spectrum of banking and finance work, both at an interlocutory stage and at trial. He has particular interest in and experience of claims involving agency, trusts, FSMA and restitutionary remedies. He has also developed a specialism in claims involving banks' obligations to customers and the FCA in connection with money laundering and Part VII of the Proceeds of Crime Act 2002.

Example cases include:

- *John Burley PR Consultants Ltd v Miller UK Limited* [2018-2019] (instructed by Gowling WLG) – Acting for Defendant in claim brought by broker for a success fee said to be due in connection with the provision of litigation finance in US proceedings.
- *NCA v RBS and others* [2017] 1 WLR 3938 (instructed by Howard Kennedy LLP) – Acted for Respondent payment services provider in the Court of Appeal concerning the grant of interim declarations and injunctions concerning the operation of its bank account where reports had been made under Part VII of the Proceeds of Crime Act 2002. The leading authority on the test for granting interim declarations.
- *Bank of Scotland v Attwells* [2016-2018] (instructed by RPC LLP) – Acting for Defendant solicitors in Chancery Division claim in connection with secured lending over in excess of 40 properties.
- *Bengough v Ellin* [2016] (instructed by Enyo Law LLP) – Acted for Defendant in Chancery Division shareholders' dispute regarding ownership of Koko in Camden.
- *Stokors v IG Markets* [2013] EWHC 631 (Comm) (instructed by McClure Naismith LLP) – Acted for Defendant CFD provider in €100m Commercial Court claim in dishonest assistance and unconscionable receipt arising out of the collapse of a Scottish brokerage.
- *Shah v HSBC Private Bank (UK) Limited* [2013] 1 All ER (Comm) 72 (instructed by Edwards Wildman Palmer LLP) – Acted for Claimant in \$330m QBD claim for breach of contract arising out of SARs made by HSBC Private Bank pursuant to Part VII Proceeds of Crime Act 2002. First case to proceed to trial on this issue.

Professional Negligence

Joe's professional negligence practice spans a wide range of professions, including solicitors, financial advisors, accountants, barristers, auctioneers, surveyors, builders, insurance brokers and mortgage advisors. He acts for both claimants and defendants.

Example cases include:

- *Rabilizirov v A2 Dominion London* [2019] EWHC 863 (QB) (instructed by Shoosmiths LLP) – Acted for Defendant construction company in a claim and subsequent appeal concerning allegations of defective work in connection with the construction of a building on the Grand Union Canal.
- *Willmott Dixon v Robert West Consulting* [2017] PNLR 17 (instructed by Kennedys LLP) – Acted for Claimant in application regarding the application of contributory negligence
- *Brearley and others v Higgs and Sons* [2017 ongoing] (instructed by Freeths LLP) – Acting for Claimants in £30m Business List solicitor's negligence claim regarding advice about establishing a premium car dealership.
- *Table Services v Smithfield Partnership* [2016-2018] (instructed by RPC LLP) – Acting for Defendant solicitors in £5m Commercial Court claim regarding commercial premises at Camden Stables Market.
- *Palmer v Nightingale* [2016] EWHC 2800 (TCC) (instructed by DWF LLP) – Acted for Claimant in TCC claim against a pest controller regarding the placement of allegedly flammable poison which led to a fire at a listed mansion.
- *Woodman and others v TILP and others* [2013-2017] (instructed by RPC LLP) – Acted for Defendant solicitors in Chancery Division claim for negligence and breach of trust brought by approximately 200 Claimants in connection with property developments in Marrakech and Turkey.

Academic

BA Law (1st) Downing College, Cambridge University
LLM (Comm) Downing College, Cambridge University
BVC (2nd in year) Nottingham Law School

Awards

Senior Seton Scholarship
Harmsworth Scholarship
Baron Dr VerHeyden de Lancey Prize
AHRC Scholarship
Runner up to The Taylor Prize

Ranking

