

Patrick Dunn-Walsh

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Languages: Spanish (proficient)



Overview

Patrick has a broad commercial practice in line with Chambers' profile, with a particular focus on civil fraud/asset recovery, international trade, insurance, company/insolvency and shipping disputes. Patrick also has a particular interest in and experience of cases raising issues of private international law, and has published in this field: [2021] LMCLQ 27, and Ch 10 *The Modern Law of Marine Insurance*, Volume 5 (co-author). His advocacy was recently described by Henshaw J as "*clear and cogent..., both in writing and at the oral hearing*", and the directories comment that his "*advocacy skills are very impressive. He is quick on his feet, and presents his arguments in a clear and concise manner. He will certainly be a force to be reckoned with in the years to come.*"

He has substantial experience of complex litigation in the High Court and Court of Appeal, and of international arbitration under LCIA, ICC, UNCITRAL, and LMAA Rules, both as sole counsel and as part of a team.

Patrick is currently instructed, as junior to Stephen Atherton KC and Sarah Tresman, for two of the Fund Parties in two related claims brought in the Cayman Islands arising out of the well-publicised demise of the Abraaj Group, and the actions of its former CEO, Arif Naqvi. The first is a transaction avoidance claim brought by the liquidators of one of the group companies, the second a fraud and unjust enrichment claim brought by businessman Abdulhameed Jafar in respect of US\$300m worth of loans made to two companies within the Group prior to their liquidation.

As sole counsel, he recently appeared (against a silk) for the appellants in an appeal under s.69 of the Arbitration Act 1996

Professional memberships

- Commercial Bar Association
- London Common Law and Commercial Bar Association

Lectures / talks

- Clauses paramount
- Recent development in shipping law

Education

- University of Oxford, Christ Church, Bachelor of Civil Law (2013)
- BPP Law School, Bar Professional Training Course (2012)
- University of Oxford, Christ Church, BA in Jurisprudence (2011)

(*Fastfreight v Bulk Trident* [2023] EWHC 105 (Comm)). He also has extensive trial experience; he recently acted for the successful defendant in a 4-day High Court trial involving multiple factual and expert witnesses (*Arnold v Halcyon Yachts* [2022] EWHC 2858 (Admlty)), and for the successful claimant in a 3-day High Court trial concerning a claim for rectification of a company's share register (*Re Iktomi Events Limited* [2023] EWHC 2538 (Ch)). In the latter case, he established through cross-examination that the Second Defendant, a partner in a reputable law firm, was an unreliable witness whose evidence should not be accepted.

Patrick read law at the University of Oxford, graduating with a first class degree and ranked first in the university in contract law. He also studied for the BCL, taking papers in restitution of unjust enrichment, conflict of laws, commercial remedies and corporate insolvency.

Banking and financial services

- *Canada Square Operations Ltd v Potter* [2020] EWHC 672 (QB): Patrick acted, led by Sean Snook, for the Defendant bank in this important case concerning the application of the deliberate concealment provisions of the Limitation Act 1980. An appeal will be heard by the Court of Appeal in January 2021.
- Assisted, during pupillage, Stephen Atherton KC in respect of the proper interpretation of a multi-billion dollar revolving loan facility.

Civil fraud and asset tracing

- *Steenbok & Others v Formal Holdings & Ors* CL-2021-000321: Acting, led by Andrew Ayres KC, for the Claimants in this dispute in which it is alleged that the former CEO of the Steinhoff Group fraudulently procured companies in the group to make payments (i) on a false basis and (ii) that were ultimately a means of enriching himself and his associates.
- Acting, led by Andrew Fulton KC, for an indirect shareholder in, and lender to, a major care-home business in a dispute with the majority shareholders, raising issues of fraudulent breach of fiduciary duty and the application of contractual buy-out provisions.
- Acting, led by Andrew Ayres KC, for the former director of a major hardware company in respect of allegations of fraudulent breach of fiduciary duty made by the company's administrators.
- *Lendy Ltd (in administration) v Brooke and others*: Patrick currently acts, led by Tony Beswetherick, for the administrators of a Company that has brought claims alleging fraudulent misappropriation against its (former) directors, and successfully obtained proprietary and worldwide freezing injunctions after a without notice hearing.
- *Nitron v Barington Alliance LLP and others*: obtained, with Luke Pearce, a worldwide freezing order on behalf of a major US commodities trader against an English LLP and associated persons and entities
- *Re Gerald Smith*: assisting enforcement receivers in respect of the recovery of a very large confiscation order (c.US\$80 million).
- Assisting, during pupillage, Philip Edey KC and Andrew Fulton KC in relation to *Fundo Soberano De Angola v dos Santos and others* [2018] EWHC 2199 (Comm).

Company and insolvency

Patrick previously undertook pupillage at Erskine Chambers, the leading company law set, and so regularly acts in cases raising company law or insolvency issues. Recent cases include:

- Acting, led by Andrew Fulton KC, for an indirect shareholder in, and lender to, a major care-home business in a dispute with the majority shareholders, raising issues of fraudulent breach of fiduciary duty and the application of contractual buy-out provisions.

- *Steenbok & Ors v Formal Holdings & Ors* CL-2021-000321: Acting, led by Andrew Ayres KC, for the Claimants in this dispute in which it is alleged that the former CEO of the Steinhoff Group fraudulently procured companies in the group to make payments (i) on a false basis and (ii) that were ultimately a means of enriching himself and his associates.
- Acted, led by Andrew Ayres KC, for the former director of a major hardware company in respect of allegations of fraudulent breach of fiduciary duty made by the company's administrators.
- *Lendy Ltd (in administration) v Brooke and others*: Patrick currently acts, led by Tony Beswetherick, for the administrators of a Company that has brought claims alleging fraudulent misappropriation against its (former) directors, and successfully obtained proprietary and worldwide freezing injunctions after a without notice hearing.
- *Re ARDN*: acting, with Tony Beswetherick, for the petitioning shareholders in respect of an acrimonious dispute arising from a project for the development of drone technology. Successfully secured the appointment of provisional liquidators over the company after a 'without notice' application.

General commercial

- *ADM v GHI & others* [2023] EWHC 135 (Comm): Patrick acted, led by Lawrence Akka KC, for the successful Claimant in a committal application, arising out of breaches of an asset disclosure order. The First Defendant company was fined £75,000, and the Second Defendant, who was responsible for the First Defendant's breaches as its director, was sentenced to 12 months' imprisonment.
- *Cerno Limited v Petrofac Services Limited* CL-2021-000357: acting, led by Lawrence Akka KC, for the claimant in this claim for an unpaid, eight figure invoice for IT consultancy services (specifically, the assessment and reduction of the Defendant's underlicensing exposure to a large software provider). Issues include construction of the consultancy agreement, a cross-claim in fraudulent misrepresentation, and detailed technical questions concerning the extent to which the defendant was under-licensed. Appeared as sole counsel both in the first CMC before Knowles J, and a second CMC before Butcher J fixed to address issues of disclosure and expert evidence, among others.
- Acting, with Thomas Raphael KC, for a substantial African oil company in a dispute arising out of an anti-suit injunction and consequent contempt proceedings, which was now been referred to LCIA arbitration.
- Acting, led by Andrew Fulton KC, for an indirect shareholder in, and lender to, a major care-home business in a dispute with the majority shareholders, raising issues of fraudulent breach of fiduciary duty and the application of contractual buy-out provisions.
- In an LCIA arbitration: acting, led by Michael Collett KC, for a major Chinese petrochemical company in an US\$85million dispute raising complex issues of agency and insolvency law.
- *Vodafone v TOT* HC2017-000399: Acting, with Thomas Raphael KC, for Vodafone in this multi-million pound High Court dispute, raising complex jurisdictional and limitation issues. The case subsequently settled on favourable terms.
- Acted, with Thomas Raphael KC, for a major English publisher in a dispute with its US distributor.
- *Steenbok & Others v Formal Holdings & Ors* CL-2021-000321: Acting, led by Andrew Ayres KC, for the Claimants in this dispute in which it is alleged that the former CEO of the Steinhoff Group fraudulently procured companies in the group to make payments (i) on a false basis and (ii) that were ultimately a means of enriching himself and his associates.
- *An LCIA arbitration*: Patrick currently acts, led by Simon Milnes, for a shipping agency in a multi-million dollar dispute with its local sub-agent, before a former High Court judge.
- *Canada Square Operations Ltd v Potter* [2020] EWHC 672 (QB): Patrick acted, led by Sean Snook, for the Defendant bank in this important case concerning the application of the deliberate concealment provisions of the Limitation Act 1980. An appeal will be heard by the Court of Appeal in January 2021.
- *Mobile Telecommunications Company v HRH Prince Hussam*: appeared, led by Thomas Raphael KC, for MTC on Prince Hussam's application, under the new paragraph 21 of PD51U, for inspection of documents allegedly mentioned in a witness statement ([2019] EWHC 2968 (Comm)) and on Prince Hussam's application for the setting aside of an order for the extension of time under s.79 Arbitration Act 1996 ([2019] EWHC 3109 (Comm)).
- *In the matter of an LCIA Arbitration*: acting, led by Lawrence Akka KC and Rupert Hamilton, for the Defendant in a +US\$100m IT arbitration.
- *Re ARDN*: acting, with Tony Beswetherick, for the petitioning shareholders in respect of an acrimonious dispute arising from a project for the development of drone technology. Successfully secured the appointment of provisional liquidators over the company after a 'without notice' application.
- *Folgender Holdings Ltd v Letraz Properties Ltd* [2019] EWHC 2131 (Ch): acted, led by Julian Kenny KC, for a property developer in a dispute concerning the grant of a charge over luxury property in London.

Insurance and reinsurance

- *Riverstone Services Ltd and Ors v New India Assurance Company*: acting, as sole counsel, for the Claimant in High Court dispute worth c. US\$1.6 million, arising from an insurance claim made under a marine hull break-up policy.

Energy and infrastructure

- Advising a quantity surveyor in respect of the carriage of a cargo of caissons from Spain to Scotland.

Shipping

Patrick has a busy shipping practice. Recent instructions include:

- *Fastfreight v Bulk Trident* [2023] EWHC 105 (Comm): Patrick acted, as sole counsel against a silk, in this appeal under s.69 of the Arbitration Act 1996, concerning the proper interpretation of an anti-deduction clause under a time charter and the decision of Bingham J in *The Lutetian* [1982] 1 Lloyd's Rep 140. Patrick continues to represent the charterers in the underlying arbitration.
- An Ad-Hoc arbitration: Patrick acted, led by Julian Kenny KC for the successful buyers in a dispute concerning the sale of a c.US\$40million superyacht. The case involved a successful, urgent application to Court for an injunction under s.44 of the Arbitration Act 1996, and disputes arising from the MOA concerning, amongst other things, the defence of tender and the availability of specific performance.
- *Arnold v Halcyon Yachts* [2022] EWHC 2858 (Admlty): Patrick acted for the successful defendant in a 4-day High Court trial, involving multiple factual and expert witnesses, arising out of the trans-Atlantic delivery of a yacht.
- *Rhine Shipping DMCC v Vitol SA* CL-2021-000186: Patrick currently acts, led by Philip Edey KC, for the claimant shipowners in this multi-million dollar charterparty dispute, raising complex *res inter alios acta* issues arising from oil trading hedge arrangements.
- An LMAA arbitration: Patrick currently acts, as sole counsel against a silk, for the defendant shipbuilder in this multi-million dollar dispute concerning the alleged repudiation of a contract for the construction and delivery of a luxury yacht.
- An LMAA arbitration: Patrick acted, led by Michael Ashcroft KC, for the successful sellers in a substantial, five-day LMAA commodities arbitration in June 2021. The claim concerned the validity of loadport certificates of quality, allegations of off-spec cargo, and complex quantum issues arising from the buyer's re-sale of the cargo.
- An LCIA arbitration: Patrick currently acts, led by Simon Milnes, for a shipping agency in a multi-million dollar dispute with its local sub-agent, before a former High Court judge.
- *A v B*: acting for charterers in an LMAA arbitration concerning an off-hire dispute, with a former Court of Appeal judge as arbitrator.
- *A v B*: acting for owners in an arbitration concerning US\$1 million plus charterparty dispute raising issues of shortloading, detention damages and demurrage.
- *Princes Tuna v Maersk Line A/S*: High Court cargo dispute involving damage to consignment of tuna.
- *Ming Sheng Seafood v Maersk Line A/S*: High Court cargo dispute involving damage to consignment of shrimp.
- *MSC Mediterranean Shipping Co v Royal Canadian Steel Co*: High Court dispute involving damage caused by falling steel coil.
- *Huber and Lieskovska v X Yachts*: High Court dispute regarding sale of a cruising yacht.

Technology

- *Cerno Limited v Petrofac Services Limited* CL-2021-000357: Acting, led by Lawrence Akka KC, for the claimant in this claim for an unpaid, 8 figure invoice for IT consultancy services (specifically, the assessment and reduction of the Defendant's underlicensing exposure to a large software provider). Issues include construction of the consultancy agreement, a cross-claim in fraudulent misrepresentation, and detailed technical questions concerning the extent to which the defendant was under-licensed. Appeared as sole counsel both in the first CMC before Knowles J, and a second CMC before Butcher J fixed to address issues of disclosure and expert evidence, among others.
- An LCIA Arbitration: Acted, led by Lawrence Akka KC and Rupert Hamilton, for a major software supplier in its tripartite, 9-figure dispute with its counterparty and sub-contractor relating to the provision of allegedly defective data-storage software used across a very large number of government entities.

Recommendations

Patrick's advocacy skills are very impressive. He is quick on his feet, and presents his arguments in a clear and concise manner. He will certainly be a force to be reckoned with in the years to come. [The Legal 500 UK Bar 2024](#)