



Paul French

Call: 1989

Email: paul.french@guildhallchambers.co.uk

Practice: Insolvency

All aspects of:

- Corporate, Personal and Partnership insolvency
- Directors' Disqualification
- Mortgages, Receiverships, Guarantees and Indemnities

Majority of practice involves aspects of insolvency and debt recovery, whether litigious or advisory.

Acts regularly in all types of asset recovery actions, in particular:

- Transactions at an undervalue
- Preferences
- Transactions defrauding creditors
- Post-petition dispositions (especially involving ancillary relief issues)
- Claims involving forfeiture clauses in pension policies)

Regularly advises on technical issues, especially:

- CVAs
- IVAs
- Administrations

Acts regularly for and against:

- Banks
- Building societies
- Receivers in mortgage and guarantee enforcement actions, especially in cases with limitation issues

Reported Cases:

Evans v Clarke, Wilmott and Clarke [2007] EWHC 852 (Ch); [2008] BPIR 37 – Effect of slight misdescription of name of judgment debtor in costs order against her and in subsequent statutory demand - application of slip rule – whether any prejudice suffered - whether appropriate to enforce costs order by way of bankruptcy proceedings.

Re Trident Fashions plc; Exeter City Council v Bairstow [2007] EWHC 400 (Ch); [2007] Bus LR 813, [2007] 4 All ER 437, [2007] 2 BCLC 455, [2007] BCC 236 – Whether non-domestic rates in respect of property occupied and used by a company in a trading administration capable of being an expense of the administration in priority to the administrators – whether rates regarding unoccupied property also an expense.

Neville (as administrator of Unigreg Ltd) v Krikorian [2006] EWCA Civ 943; [2006] BCC 937 – Circumstances in which directors may be jointly and severally liable for unlawful loans made to each other by their company).



In re Unigreg Ltd (in administration) [2005] BPIR 220 (ChD) – Repatriation of intellectual property rights transferred by insolvent English company to nominee companies.

Bristol and West Plc v Bartlett [2002] EWCA Civ 1181; [2003] 1 WLR 284; [2002] 4 ALL ER 544 – Mortgages - proceeds of sale insufficient to meet outstanding debt - relevant limitation period to recover the shortfall).

Boorer v Trustee in Bankruptcy of Boorer [2002] BPIR 12 (ChD) – Bankruptcy - review of consent orders - duties of trustee in bankruptcy and rule in *ex parte James*.

Re X (a company) Times 5 June 2001 (ChD) – Company - interim injunction in unfair prejudice petition to prevent irredeemable prejudice.

Re a Company No 6273 of 1992 [1992] BCC 794 – Company - statutory demand based on undisputed debt - effect of unlitigated cross-claim.

Education:

The Polytechnic, Wolverhampton
LLB (Hons) 2.1
Ipswich School, Ipswich

Pupillage:

1st six: 9 Stone Buildings (Vivian Chapman, Nigel Thomas)
2nd six: Erskine Chambers (Leslie Kosmin QC)
3rd six: Guildhall Chambers (George Newsom)

Professional memberships:

R3
Insolvency Lawyers' Association
Chancery Bar Association

Publications:

Co-author of *Insolvency and the Enterprise Act 2002* (Jordans, 2003).

Co-editor of *Bankruptcy and Personal Insolvency Law Reports* (Jordans).

Joint editor of *Lawson: Individual Voluntary Arrangements* (loose-leaf) (Jordans).

Articles:

Co-author (with Neil Levy): "The Enterprise Act 2002: preparing for the next recession?" [2003] New Law Journal Vol 153, p.1113

Co-author (with Chris Brockman): "The Annulment of Bankruptcy Orders" [2006] 19 Insolvency Intelligence 62 (Part 1) and [2006] 19 Insolvency Intelligence 93 (Part 2).

Seminars:

Regular provides seminars on all insolvency topics, especially for solicitors (whether for their clients or for internal training), R3 and LA.

Directory recommendations:

Chambers and Partners 2010

Commercial

Paul French does a solid job for his clients, who describe him as "*approachable, knowledgeable and very experienced.*" He specialises in corporate and partnership disputes, the enforcement of fiduciary duties and mortgage shortfall claims.



Insolvency

Paul French has particular prowess in bankruptcy and personal pension schemes, and is regularly instructed by solicitors in London, Manchester and Leeds for such matters. He is hailed by one source as “a brilliant barrister with an encyclopaedic knowledge of complex personal insolvency law.” Others find him “quick-thinking and good under pressure.”

Chambers UK 2011

Insolvency

The “incredibly quick” Paul French, who has particular experience in bankruptcy and personal pension schemes. Clients appreciate his “enthusiasm and his fantastic brain.”

Chambers UK 2009

Commercial

Paul French is highly recommended for his work in general commercial litigation. “User friendly and proficient in technical matters”, he counts banks and debtors amongst his regular clients.

Insolvency

The “highly talented” Paul French is “incredibly tenacious, enthusiastic and creative in providing solutions to problems.” He is developing a great reputation as an erudite lawyer who is exceptionally strong in personal insolvency. Noted for his “keen attention to detail and encyclopaedic knowledge of case law,” he provides commercial advice and is considered a “pleasure to deal with.” In 2007 he advised a liquidator in an action determining a creditor’s proof in excess of £5 million and represented a director in a misfeasance claim. Other matters include litigation arising from undervalue transactions, annulments of bankruptcy orders and recovery of the matrimonial home in bankruptcies.

Legal 500 2010

Insolvency

Paul French ‘prepares thoroughly and has an outstanding knowledge of case law’.

Legal 500 2009

Insolvency

Paul French “is highly-rated for individual and corporate insolvency.”

Legal 500 2008

Insolvency

Paul French “is our counsel of choice for insolvency – a good brain and great to deal with.”

Clerks:

Please contact Justin Emmett (justin.emmett@guildhallchambers.co.uk).

Hourly rate:

£210 – £250

CFA:

Considered on a case by case basis, at £235 per hour.

DPA:

Yes, at £300 per hour.