

JOHN CHURCHILL

Call 2016

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John's practice is predominantly in **Commercial** and **Chancery** law. He also handles cases in the **Court of Protection** relating to the property and financial affairs of incapacitated persons. A significant portion of John's work involves **Costs** disputes, particularly on solicitor and client costs.

John appears in both the High Court and the County Court at all stages of proceedings, from interim relief and pre-action advice through to trials and appeals. John is equally comfortable in working in larger counsel teams or as the sole instructed counsel on a case.

John's recent commercial work has included disputes on: (i) general contract law; (ii) sale of goods; (iii) consumer contracts; (iv) construction disputes; (v) consumer credit; (vi) banking and financial services; (vii) partnership disputes; and (viii) unfair prejudice petitions and other company disputes. John is also frequently involved in energy disputes.

John's recent insolvency work has included: (i) claims brought pursuant to s.212 Insolvency Act 1986 (often acting by or on behalf of the Official Receiver); (ii) examinations of bankrupts or directors; transactions at an undervalue or transactions defrauding creditors; (iii) preferences and void dispositions; (iv) extortionate credit transactions; and (v) bankruptcy petitions and winding-up petitions. John has been involved in a number of larger disputes involving challenges to historic restructurings. John has also had experience in challenging Part 26A restructuring plans.

John has been ranked in Legal 500 for a number of years and also in Chambers and Partners.

Expertise

Commercial Dispute Resolution

John's Commercial practice is diverse, although it predominantly focuses on Breach of Contract disputes. He is frequently involved in disputes concerning the construction of contracts and cases concerning implied terms.

The parties who instruct John on these cases vary, and he has been repeatedly instructed by large household names to advise on contractual disputes. However he is equally familiar with smaller scale work and is frequently instructed on cases involving the rights of consumers.

Other areas of Commercial work in which John has experience include disputes between shareholders and Companies Act proceedings. A large portion of John's work comes from construction disputes, and disputes relating to the supply of energy.

John's recent commercial work has included disputes on:

- General contract law
- Sale of goods
- Consumer contracts
- Construction disputes
- Consumer credit
- Banking & Finance
- Economic torts
- Partnership disputes
- Unfair prejudice petition

John has also been involved in a number of cases concerning Legal Costs, and frequently acts and advises on discrete issues on Costs.

Featured Commercial Dispute Resolution cases

Allner v Peters and May Group Ltd [2019] EWHC 3258 (Comm)

A case on to what extent British International Freight Association terms and conditions could exclude statutory rights and remedies for consumers under the Consumer Rights Act 2015.

Newman v Gordon Dadds LLP [2020] EWHC B23 (Costs)

A decision on the preliminary issue on the effect of a solicitor's estimate on the recovery of costs subsequently charged in excess of that estimate.

New Saints FC Ltd v Football Association of Wales Ltd [2020] EWHC 1838 (Ch)

In this case John acted as junior to Hugh Sims QC in a challenge to the national football league's decision to terminate the football league because of COVID-19 and the subsequent decision on how to allocate rankings in the league.

Insolvency and Restructuring

John is instructed in [Insolvency](#) proceedings at all stages in the County Court and High Court either on his

own or as part of a wider counsel team.

John's insolvency work complements his company and commercial work, particularly insofar as it relates to claims arising from breaches of duty by directors and the available remedies both prior to and during insolvency situations.

John's insolvency practice covers both personal and corporate insolvency disputes. In recent years John has been engaged (in personal insolvency matters) on matters including:

- (i) possession and sale applications by trustees;
- (ii) applications for the examination of a bankrupt;
- (iii) void disposition applications;
- (iv) transaction at an undervalue applications;
- (v) annulment applications;
- (vi) extortionate credit transactions;
- (vii) applications to suspend discharge

John is also frequently engaged on proceedings at the outset of a bankruptcy, whether on applications to set aside statutory demands or bankruptcy petition hearings. He has been involved in a number of cases concerning the interplay between personal insolvency law and issues of mental capacity.

In corporate insolvency proceedings, John has been exposed to an equally wide range of work. He has been led by [Hugh Sims KC](#) on a number of s.423 IA 1986 applications which relate to contested historic restructurings. A number of those cases also involve claims against the directors personally and have concerned restructurings which had values in excess of £20m. John has also been led by [Stefan Ramel](#) in an opposition to a Part 26A restructuring scheme.

John's recent insolvency experience in corporate matters also includes acting as sole counsel for the successful party for the *Rushbrooke v 4Design* litigation (reported at [2022] EWHC 1110 (Ch) (May 2022) [2022] EWHC 1416 (Ch) (June 2022) and [2022] B.C.C. 1135 (July 2022)). Those decisions concerned when directors who were in a dispute could instruct solicitors to resist a winding-up petition and the liability of solicitors acting without authority in the event that their purported instruction by the insolvent company was defective.

The majority of John's recent corporate insolvency work has involved claims (often on behalf of the Official Receiver) against directors who have breached their duties to the company. These claims involve *Sequana* arguments on the duties owed to creditors under s.172 (3) and claims for an account by directors in misfeasance.

John has also been involved (in less contentious insolvency matters) on applications to approve office-holder remuneration.

Court of Protection

John acts at all stages of Court of Protection proceedings in cases involving the protected party's property and affairs. He has been instructed repeatedly by both the Official Solicitor and the Office of the Public Guardian.

His cases often involve breaches of fiduciary duties by attorneys and deputies.

Costs & Litigation Funding

John is a member of the specialist Costs Litigation team at Guildhall Chambers. As part of this team he advises on costs both as discrete issues in wider proceedings (for example on security for costs issues and wasted costs applications) and in assessment proceedings.

He has a particular interest in disputes arising from the solicitor-client relationship.

Featured Costs & Litigation Funding cases

Newman v Gordon Dadds LLP [2020] EWHC B23 (Costs)

John acted for the successful party in the recent decision of Master Leonard on the impact of cost estimates.

Education

- Bedingfield Scholarship, Gray's Inn
- BPTC, University of Law, Birmingham
- LLB, Durham Law School
- Sullivan & Cromwell Prize Overall Performance
- Forsters LLP Land Law Prize
- Macfarlanes Trusts and Equity Prize
- Vice-Chancellor's Scholarship for Academic Excellence