

JOHN CHURCHILL

CALL: 2016

"John is extremely clever, very astute and is able to contextualise complex matters so that lay clients can understand the finer points of the advice given. He has an excellent advocacy style."

LEGAL 500 2022

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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.

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's recent commercial work has included disputes on: general contract law; sale of goods; consumer contracts; construction disputes; consumer credit; banking and financial services; partnership disputes and unfair prejudice petitions. John has also been involved in a number of cases concerning legal costs, and frequently acts and advises on discrete issues on costs.

John's recent insolvency work has included: claims brought pursuant to s.212 Insolvency Act 1986 (often acting by or on behalf of the Official Receiver); examinations of bankrupts or directors; transactions at an undervalue or transactions defrauding creditors; bankruptcy petitions and winding-up petitions.

Amongst John's recent cases are:

(i) *Allner v Peters and May Group Ltd*[2019] EWHC 3258 (Comm)—a case on to what extent BIFA terms and conditions could exclude statutory rights and remedies for consumers under the Consumer Rights Act 2015;

(ii) *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;

(iii) *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.

PRACTICE AREAS

- Commercial
- Insolvency
- Court of Protection
- Costs & Litigation Funding

COMMERCIAL

John's commercial practice is diverse, although it predominantly focuses on breach of contract disputes. He is frequently involved on 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. John also has experience of advising on financial services

INSOLVENCY

John has had experience of a wide spectrum of insolvency matters in both the personal and the corporate context. This has involved seeing domestic and cross-border insolvency work, with issues ranging from breaches of directors' duties and misfeasance to transactions at an undervalue and preferences.

Additionally John has acted in applications for insolvency practitioners in obtaining orders for sale, applications in bankruptcies and in applications to set aside statutory demands. He has also acted for companies in the insolvency context, particularly in resisting winding-up orders.

COURT OF PROTECTION

John acts at all stages of Court of Protection proceedings, in work involving both P's property and affairs and health and welfare. Although the main focus of John's practice in the Court of Protection involves property and affairs work, he is regularly instructed on health and welfare cases.

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

John acted for the successful party in the recent decision of Master Leonard on the impact of cost estimates in *Newman v Gordon Dadds LLP* [2020] EWHC B23 (Costs).

RECOMMENDATIONS

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Commercial litigation

'John is extremely clever, very astute and is able to contextualise complex matters so that lay clients can understand the finer points of the advice given. He has an excellent advocacy style.'

Ranked: Rising star - Tier 1

CHAMBERS UK 2021

Commercial Litigation

'Clear in his advice, giving assured guidance which exceeds his year of call.'

Rising Star: Tier 1

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

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