



serle court

clerks@serlecourt.co.uk  
+44 (0)20 7242 6105

## Paul Chaisty KC

Year of Silk: 2001 Year of Call: 1982

*"One of the best commercial silks you could instruct anywhere. He has this fantastic ability to know what to say and what not to say. He is the quickest barrister I have ever come across."*

Chambers & Partners

[pchaisty@serlecourt.co.uk](mailto:pchaisty@serlecourt.co.uk)

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## Practice Overview

Paul is a leading specialist in chancery and commercial litigation across all fields especially commercial disputes, corporate shareholder actions, civil fraud, partnership, banking, sports law, and domestic and international arbitrations. Appears at all levels including Supreme Court/Privy Council, Court of Appeal, High Court and domestic and international arbitrations and is regularly instructed in litigation abroad including in the BVI, Cayman Islands, Singapore (where he is a registered overseas lawyer), the Isle of Man and in the Bahamas on an ad hoc basis.

A specialist trial lawyer with a strong reputation for tactical advice and ruthless cross-examination Paul regularly acts in connection with freezing injunctions, provisional liquidators, and associated interim applications. Rated as “Star of the Bar” since 2015. Deputy High Court Judge in Chancery Division and QBD. Also a full member of Kings Chambers, Manchester.

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## Areas of Expertise

### Banking and Financial Services

Paul acts across a range of issues including shareholder disputes and unfair prejudice petitions and equitable winding up, director’s duties, director disqualification, corporate liquidations. Currently acting in respect of a number of trials in the BVI concerning major shareholder interests in respect of business interests in China and Hong Kong and also Ukraine. A nominated KC to act on behalf of the Government on winding up cases and director disqualification applications.

### Significant Reported Cases

*Shua v Camp and Furnace* 2020 EWHC 687. Successfully acted in trial in respect of intellectual property, contract and company claims.

*The Hut Group Limited* 2020 EWHC 5. Substantial shareholder/unfair prejudice action.

*Swiss Arbitration* 2020. Acted in 2 week arbitration in Switzerland claims in respect of Joint Venture Agreement in relation to international sales business and acting on related litigation in BVI.

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*Pag Asset Preservation* 2019 EWHC 2890. Public interest winding up petition , appeal to Court of Appeal pending.

*Perry v Neupert* 2019 EWHC 52, 2018 EWHC 2019. Multi layered litigation in UK, BVI and Cayman islands in respect of estate and trust claims.

*Renaissance v Comodo* 2019 BVI. Acted in 3 week trial in BVI respect of claims to shares in software company and rectification of share register and substantial interim applications and Court of Appeal.

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*Kwok v Juan* 2018. Acted in 6 weeks trial and numerous interim applications in BVI and St Lucia. Appeal to Privy Council pending.

*Company v Company* 2017 EWHC 2319. Freezing injunction application in support of international arbitration.

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*Halsall v Champion* 2017 EWHC 1079. Professional Negligence Claims in respect of advice in relation to tax avoidance schemes.

*Ming* 2017. Trial and Court of Appeal in BVI in respect of unfair prejudice and shareholder disputes. Appeal to Privy Council pending.

*Bhullar v Bhullar* 2017 EWHC 407. Derivatives claims and allegations of breach of fiduciary duty.

*Polypearl v Building Research* 2016 7 WLUK 781. Breach of confidentiality, contract and unfair terms.

*PAG Management Limited* 2015 EWHC 2404. A public interest winding up petition related to a scheme designed to avoid rate payments on commercial properties.

*Bhullar v Bhullar* 2015 EWHC 1943. A case involving alleged breaches of fiduciary duties and derivative claims.

*Sugarman v CJS* 2014 EWCA 1239. A case involving voting rights and construction of articles of association.

*Ebbvale v Hosking* 2013 UKPC 1. Appeal to privy council from the Bahamas court of appeal regarding a contested winding up petition and collateral purposes acted in Bahamas and Privy Council.

*Tristar v Lim BVI* commercial Court 2009. Shareholder dispute relating to oil company operating in Indonesia.

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## **Commercial Litigation**

Paul has vast experience in all fields of commercial and business disputes including share and asset sale agreements and breach of warranty claims, misfeasance and breach of fiduciary duties, general areas of contract law, and in particular claims of misrepresentation fraudulent and otherwise. Advocate across all fields and courts and particular emphasis on trials and also particular interim applications- freezing orders, search orders, security for costs, and contested disclosure applications. Regularly advises and acts for professional partnerships and LLPs in respect of general partnership disputes and restrictive covenants and springboard injunctions.

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*Shua v Camp and Furnace* 2020 EWHC 687. Successfully acted in trial in respect of intellectual property, contract and company claims.

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*Bhullar v Bhullar* 2017 EWHC 407. Derivatives claims and allegations of breach of fiduciary duty.

*Polyp Pearl v Building Research* 2016 7 WLUK 781. Breach of confidentiality, contract and unfair terms.

*Ghura v Dalal* 2015 EWHC 605. Claims for damages relating to investments in development property in Dubai and counterclaims for breach of trust in relation to shareholdings.

*Gladman Commercial v Fisher* 2013 EWCA 1466. Acted at first instance and court of appeal in respect of claims for damages for fraudulent misrepresentation and issues of joint tortfeasors.

*Access Bank v Akingbola* 2012 EWHC 2184. Acted for director and founder of Nigerian bank facing claims for fraud in excess of £750 million.

*Yafai v Muthana* 2012 EWCA 289. Acted at first instance and court of appeal partnership dispute as to investment and development land and issues of construction of partnership deed.

*DRL v Wincanton* 2011 EWCA 839. Acted at first instance and in court of appeal dispute as to service agreements between national companies and issues of repudiatory breach.

*Whittle Movers v Hollywood Express* 2009 EWCA 1189. Claims relating to fixed term distribution agreements with claims in restitution and quantum meruit.

*Lexi Holdings v Luqman* 2008 EWHC 1639. Claims against directors in misfeasance amounting to in excess of £100 million.

*Sino Union v Rich Victory*. Claims in BVI commercial court in respect of development land in Dominica and share ownership in trading company.

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## Company

Paul acts across a range of issues including shareholder disputes and unfair prejudice petitions and equitable winding up, director's duties, director disqualification, corporate liquidations. Currently acting in respect of a number of trials in the BVI concerning major shareholder interests in respect of business interests in China and Hong Kong and also

Ukraine. A nominated KC to act on behalf of the Government on winding up cases and director disqualification applications.

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## **Insolvency**

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## **International and Offshore**

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## **Partnership and LLP**

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## **Private Client Trusts and Probate**

In the area of wills and trusts, Paul has extensive experience in disputes both domestic and international between trustees and beneficiaries, the appointment, removal and replacement of trustees and executors and the administration of trusts and estates. He also has experience in acting for and against trust corporations both in the Courts of England and Wales and in advising in offshore jurisdictions.

Paul undertakes all aspects of drafting, advisory and litigation work in the following areas:

Wills, probate and administration

Issues involving the validity of wills and trusts, construction and rectification claims

Duties of Executors, Administrators and Trustees

Breach of trust claims

Inheritance Act claims

Related professional negligence

## **Significant Reported Cases**

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## **Professional Negligence**

Regularly advises and acts in respect of professional negligence claims against solicitors and accountants. Currently engaged in a number of very high value claims arising out of promotion of and investment in film schemes and in respect of banks mis-selling of financial products.

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*Polyp Pearl v Building Research* 2016 7 WLUK 781. Breach of confidentiality, contract and unfair terms.

*Redstone Mortgages v B Legal* 2014 EWHC 3068. Claims in professional negligence against solicitors in respect of sub prime lending.

*Stoll v Wacks Caller* 2010 EWHC 2299. Professional negligence claim acting for solicitors and claim dismissed for lack of causation issues

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## **Property**

Paul is a leading specialist in chancery and commercial litigation across all fields especially commercial disputes, corporate shareholder actions, civil fraud, partnership, banking, sports law and domestic and international arbitrations. Appears at all levels including Supreme Court/Privy Council, Court of Appeal, High Court and domestic and international arbitrations and is regularly instructed in litigation abroad including in the BVI, Cayman Islands, Singapore (where he is a registered overseas lawyer), the Isle of Man and in the Bahamas on an ad hoc basis.

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## **Sports, Entertainment & Media**

Paul acted in a number of high profile commercial cases involving sports related issues and clients. Acted at first instance and Court of Appeal for Wayne and Coleen Rooney in connection with agency agreements, West Ham United in respect of claims for damages following the Tevez affair and demotion of a premier league club also acted for West Ham United in respect of claims by former manager and currently acting for high profile football managers. Regularly consulted by premier clubs in respect of commercial interest relating to football activities.

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*Polypearl v Building Research* 2016 7 WLUK 781. Breach of confidentiality, contract and unfair terms.

*Proactive v Wayne Rooney and Coleen Rooney* 2011 EWCA 1444. Acted at first instance and court of appeal in case involving agents agreements and restraint of trade.

*Sheffield United v West Ham United*. An FA arbitration involving substantial damages claims after demotion of Sheffield United out of premier league.

*Curbishley v West Ham United*. Acted at FA arbitration on claim by former manager for compensation.

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## Recommendations

Chancery, Commercial Dispute Resolution, Company, Partnership, Professional Negligence, Real Estate Litigation, Restructuring/Insolvency (*Chambers & Partners 2016*)

Property, Commercial, Banking and Insolvency (*The Legal 500*)

Listed in the Silks 100 list for England and Wales (*Chambers & Partners 2014*)

'Lawyer of the Week' (*The Times*, 22 July 2010)

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## Quotes

### Chambers UK

Listed as one of only 21 KCs as a “*star at the bar*” Chambers Directory since 2015.

*"His advice is hugely commercial and user-friendly, and his advocacy style remains as strong and aggressive as anyone in the business." "He is one of the most tenacious advocates and an excellent cross-examiner. His commercial insight is invaluable when developing strategies on commercial disputes."* Chambers and Partners 2020

*"He is a very sound lawyer and very good in court."* Chambers and Partners 2020

*"He is very bright and a robust advocate in court."* Chambers and Partners 2020

*"A highly skilled and tenacious barrister."* Chambers UK 2020

*"He is very senior and experienced practitioner. He is very, very good and talented." "He is punchy in court and achieves great results for his clients."* Chambers and Partners 2020

*"He's a real fighter, but he's also very commercial and doesn't only consider the academic points of law. He's very good with clients."* Chambers and Partners 2020

*"He has a brilliant mind and is devastating in cross-examinations."* Chambers and Partners 2020

### The Legal 500

*"A fiery advocate."* - The Legal 500 2018

*"Incisive, assured and commanding."* - The Legal 500 2018

*"He has an excellent ability to bring round a judge."* - The Legal 500 2017

*"He has an innate understanding of what and how much to say."* - The Legal 500 2017

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## Education & Qualifications

Nottingham University LLB First

Exeter College, Oxford BCL

Lincoln's Inn: Hardwicke and Cassell Scholar

## Appointments

Deputy High Court Judge authorised to sit in Chancery and Queen's Bench Division and Mercantile Court.

Called to the Bar in the BVI and on ad hoc basis in the Bahamas.

Qualified mediator.

## **Memberships**

COMBAR

Chancery Bar Association

Northern Circuit Commercial Bar Association

Northern Chancery Bar Association

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