



Joseph Farmer

Call 2013

"Joseph is a very good barrister, who is adept at grappling with tricky factual and strategic situations, and coming up with sensible and commercial solutions that balance the various competing interests."

The Legal 500

✉ jxf@fountaincourt.co.uk ☎ +44 (0)20 7583 3335

Joseph has a diverse and thriving practice.

His commercial work is wide-ranging and includes cases involving banking and finance, civil fraud, and company law. He also undertakes regulatory and administrative law work, including cases in relation to professional discipline.

He has experience of heavy and complex disputes, and frequently acts as sole counsel, including in matters requiring challenging court advocacy.

His current and recent cases (both led and unled) include a multi-jurisdictional conspiracy claim involving a renewable energy company in Thailand, banking disputes concerning alleged bribery and sanctions issues, a heavy construction arbitration, claims in relation to damage to aircraft, an unfair prejudice petition under s.994 of the Companies Act 2006, a judicial review in relation to criminal proceedings, and enforcement proceedings arising out of a civil fraud claim.

Prior to coming to the bar, Joseph was a research assistant at the Law Commission, a solicitor, and a judicial assistant at the UK Supreme Court.

He is ranked as a Leading Junior by The Legal 500 for both Banking & Finance and Fraud: Civil.

Recent Highlights

Suppat & Ors v Narongdej & Ors [2023] EWHC 1988 (Comm)

One of The Lawyer's "Top 20 Cases of 2022". Instructed (with Derrick Dale KC, previously Ben Valentin KC) for seven out of seventeen defendants in a high-value Commercial Court claim in connection with the ownership of a renewable energy company in Thailand. The claim involved allegations of conspiracy, misrepresentation, inducement of breach of contract, breach of contract and breach of fiduciary duty made in terms of English and a variety of other foreign laws. There is also a claim for relief under s.423, Insolvency Act 1986 (in relation to transactions entered into at an undervalue). Trial from October 2022 to March 2023.

R (Forsey) v Northern Derbyshire Magistrates' Court [2021] EWHC 3013 (Admin)

Instructed (with Richard Lissack KC and Andrew Smith KC) for the claimant in a judicial review of a decision on jurisdiction in criminal proceedings relating to an alleged offence under the Trade Union and Labour Relations (Consolidation) Act 1992. Two-day substantive hearing before the Divisional Court in October 2021.

Stichting Vestia v Société Générale (FL-2020-000034)

Representing (with Richard Handyside KC and Natasha Bennett) the defendant bank in a claim with an estimated maximum value of c.€130 million involving alleged bribery and the allegation that several interest rate swaps entered by the parties were outside the capacity of the claimant, a Dutch social housing association.

Ashley v Jimenez (HC-2017-000156)

Acting (with Richard Lissack KC and James Cutress KC) for the claimants in a high-profile fraud claim in the Chancery Division, including the successful defence of a jurisdictional challenge: [2019] EWHC 17 (Ch), [2019] EWHC 580 (Ch); obtaining judgment on the merits without trial: [2019] EWHC 1806 (Ch); obtaining judgment with respect to enforcement (February 2021); and successfully resisting applications for permission to appeal (October 2021).

Entertainment Partners LLC v Sargent [2019] EWHC 3718 (Ch)

Instructed (with Ben Valentin KC) for the Petitioner, a minority shareholder, in an application for an interim injunction restraining the sale of shares which involved allegations of unfairly prejudicial conduct.

Expertise

Administrative & Public Law

Notable Administrative & Public Law cases

R (Forsey) v Northern Derbyshire Magistrates' Court [2021] EWHC 3013 (Admin)

Instructed (with Richard Lissack KC and Andrew Smith KC) for the claimant in a judicial review of a decision in criminal proceedings relating to an alleged offence under the Trade Union and Labour Relations (Consolidation) Act 1992. Renewed permission hearing (October 2020); substantive judicial review hearing (2 days before Divisional Court in October 2021).

Instructed (with Akhil Shah KC) for an airline in a matter concerning the allocation/transfer of airport slots under the EU Slots Regulation.

As judicial assistant to Lord Hope (UK Supreme Court) in 2012-2013 (before practice at the Bar), involved in a number of high-profile public law/regulatory appeals.

As a research assistant in the Public Law team at the Law Commission of England and Wales in 2007-2008 (before practice at the Bar), worked on the Administrative Remedies and Level Crossings projects.

Aviation & Travel

Notable Aviation & Travel cases

Acting (as sole counsel) for an airline in claims against ground handling services providers for losses arising out of damage to aircraft.

Instructed (with Akhil Shah KC) for an airline in a matter concerning the allocation/transfer of airport slots under the EU Slots Regulation.

Appearing as sole counsel on behalf of airlines in a number of passenger claims, almost invariably involving Regulation 261/2004 and/or (occasionally) the Montreal Convention.

Appearing as sole counsel for the respondent airline in an application before a Circuit Judge for an order referring a question to the CJEU for a preliminary ruling (a Regulation 261/2004 case).

Defending a claim for breach of an airline's terms and conditions which also included allegations of unfairness based on the Consumer Rights Act 2015 and the Consumer Protection from Unfair Trading Regulations 2008.

Banking & Finance

Notable Banking & Finance cases

LLC EuroChem North-West 2 v Société Générale & Ors (CL-2022-000456)

Instructed (with Richard Handyside KC and James Duffy KC) by Société Générale in a claim involving the impact of sanctions on the payment obligations of banks under on-demand bonds. Appeared as sole counsel at an extended Disclosure Guidance Hearing.

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Representing (with Richard Handyside KC and Natasha Bennett) the defendant bank in a claim with an estimated maximum value of c.€130 million involving alleged bribery and the allegation that several interest rate swaps

entered into by the parties were outside the capacity of the claimant, a Dutch social housing association.

National Bank of Kazakhstan v The Bank of New York Mellon (FL-2018-000007)

Instructed (with Richard Handyside KC) for the respondent financial services client in an application under CPR 31.22 (collateral use of disclosed documents).

Advising (with Richard Handyside KC) on aspects of the Payment Services Regulations 2017 in the context of the provision of transport services.

Instructed by a financial services institution as junior counsel in a number of swap mis-selling claims involving allegations of LIBOR manipulation.

Instructed as sole counsel for financial services clients in a number of retail banking claims, applications and hearings (including those involving alleged breach of account terms, s.75 and the unfair relationship provisions of the Consumer Credit Act 1974, guarantees, and direct debits).

Advising (with Mark Simpson KC) on a proposed unfair relationship claim arising out of an investment scheme.

As sole counsel, advising a commercial client in the entertainment industry on aspects of the Payment Services Regulations 2017.

Instructed with James Cutress KC by a financial institution in a claim relating to the alleged mis-selling of an interest rate swap.

Completing a three-month secondment to the Financial Markets Disputes group at Dentons UKMEA LLP during which Joseph dealt with cases involving alleged mis-selling of interest rate swaps and a mortgage product, and a contractual dispute regarding a GMRA.

Seconded to Barclays Bank Plc. Provided advice on a contractual services dispute and a number of county court matters involving banking issues (including consumer credit matters).

Civil Fraud

Notable Civil Fraud cases

Suppapat & Ors v Narongdej & Ors [2023] EWHC 1988 (Comm)

One of The Lawyer's "Top 20 Cases of 2022". Instructed (with Derrick Dale KC, previously Ben Valentin KC) for seven out of seventeen defendants in a high-value Commercial Court claim in connection with the ownership of a renewable energy company in Thailand. The claim involved allegations of conspiracy, misrepresentation, inducement of breach of contract, breach of contract and breach of fiduciary duty made in terms of English and a variety of other foreign laws. There is also a claim for relief under s.423, Insolvency Act 1986 (in relation to transactions entered into at an undervalue). Trial from October 2022 to March 2023.

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Ashley v Jimenez (HC-2017-000156)

Instructed with Richard Lissack KC and James Cutress KC for the claimants in a high-profile fraud claim in the Chancery Division. Included:

- **[2019] EWHC 17 (Ch); [2019] EWHC 580 (Ch):** Successful defence of a jurisdictional challenge. Issues of jurisdiction at common law and under the Brussels Regulation in the context of allegations of fraudulent misrepresentation, breach of contract, and breach of trust.
- **[2019] EWHC 1806 (Ch)** Successfully obtaining judgment on the merits of the claim without trial, and an order for alternative service.
- Proceedings relating to the enforcement of the judgment debt (2019 onwards), including multiple hearings: CMC on 31 March 2020, application in relation to expert evidence on 8 October 2020, application to adjourn trial on 1 February 2021, and trial on 2-3 February 2021. Successfully obtaining charging orders in favour of Claimants.
- Applications for permission to appeal against judgment on the merits and orders in relation to enforcement of the judgment dismissed (oral permission hearing before Meade J: 4 November 2021).

Fundo Soberano de Angola v dos Santos [2018] EWHC 2199 (Comm)

Instructed (with Paul McGrath KC, Alexander Milner KC, Nik Yeo and Samuel Ritchie) for the claimants in the defendants' application to set aside a freezing injunction and proprietary injunction in relation to assets up to the value of \$3 billion (four days in July 2018). Issues included those relating to jurisdiction at common law and under the Lugano Convention in the context of allegations of conspiracy, dishonest assistance and knowing receipt; and proprietary claims.

Instant Access Properties (in Liquidation) v Rosser [2018] EWHC 756 (Ch)

Instructed (with Edmund Cullen KC) for a tax advisor in a £35 million claim by liquidators alleging a diversion of funds to offshore entities. The claim against multiple defendants included allegations of shadow/de facto directorship, breach of fiduciary duty, dishonest assistance, conspiracy, and fraudulent trading under s.213,

Insolvency Act 1986, and culminated in a 20-day trial in the Chancery Division.

Commercial Disputes

Notable Commercial Disputes cases

Suppipat & Ors v Narongdej & Ors [2023] EWHC 1988 (Comm)

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Gemini v CBRE & King Sturge (CL-2013-000161)

Instructed with Mark Simpson KC, Nik Yeo and Nico Leslie for the claimant in a claim exceeding £200 million, arising out of the alleged negligent valuation of a £1.2 billion commercial property portfolio, one of the The Lawyer's "Top 20 Cases of 2016".

As sole counsel, appeared on behalf of a multinational provider of power solutions in a strike out application (London Circuit Commercial Court).

Instructed (with Bankim Thanki KC and Michael McLaren KC) to advise a commercial client in relation to champerty and maintenance with respect to agreements about litigation.

As sole counsel, advised a client providing postal services in relation to proceedings for alleged breach of contract.

Appeared as sole counsel on behalf of a multinational retailer at a hearing relating to a contractual dispute which involved issues relating to the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2012 and the Consumer Rights Act 2015.

As sole counsel, advised a client in the petroleum industry in relation to a sales agreement and a guarantee.

Appeared as sole counsel for a commercial client in an application to strike out a claim involving online gaming.

Appeared as sole counsel for a national energy company in applications involving strike out/summary judgment in relation to a claim for injunctive relief based on alleged harassment, the setting aside of judgment in default, and relief from sanction.

Instructed as sole counsel in a case for a commercial client involving alleged breach of contract, negligence and

breach of duties of bailee in relation to a dispute about the storage and processing of goods.

Instructed as sole counsel to advise a commercial client on anticipated proceedings in relation to a consultancy services contract.

Company, Restructuring & Insolvency

Notable Company, Restructuring & Insolvency cases

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Acting (with Ben Lynch KC) in a confidential matter regarding the transfer of shares in an investment vehicle.

Entertainment Partners LLC v Sargent [2019] EWHC 3718 (Ch)

Acting (with Ben Valentin KC) for the Petitioner, a minority shareholder, in application for an interim injunction restraining the sale of shares which involved allegations of unfairly prejudicial conduct.

Instant Access Properties (in Liquidation) v Rosser [2018] EWHC 756 (Ch)

Instructed (with Edmund Cullen KC) by a tax advisor in a £35 million claim by liquidators alleging a diversion of funds to offshore entities. The claim against multiple defendants included allegations of shadow/de facto directorship, breach of fiduciary duty, dishonest assistance, conspiracy, and fraudulent trading under s.213, Insolvency Act 1986. 20-day trial in the Chancery Division, late 2017.

Instructed (with Stuart Ritchie KC and David Lascelles) in a shareholders' dispute in the Commercial Court relating to a drag-along right and involving allegations of fraud, procurement of breach of contract and unlawful means conspiracy.

Advising in relation to unfair prejudice and dividend entitlement (in the context of a shareholders' dispute) (assisting Stuart Ritchie KC).

Instructed (with Michael Green KC) in a dispute involving allegations made by a minority shareholder.

Appeared as sole counsel for the Petitioner at a hearing on the Petitioner's application for (among other things) the stay of a costs order (underlying claim was an unfair prejudice petition under s.994 of the Companies Act 2006).

Acting as sole counsel for the claimant in a dispute in relation to alleged breach of a share purchase agreement.

Advising as sole counsel on a claim involving the alleged conversion of a bankruptcy asset.

Appearing as sole counsel for a financial services client at a hearing dealing with the costs of an application under Insolvency Act 1986, s.236.

Appearing as sole counsel for a commercial client at a hearing dealing with the costs of an application to restrain the presentation of a winding-up petition.

Construction, Energy & Infrastructure

Notable Construction, Energy & Infrastructure cases

Instructed (with Anneliese Day KC and Calum Lamont KC) on behalf of a contractor in relation to a significant construction dispute (overseas adjudication (2019); LCIA arbitration (three week hearing in April 2021)).

Acting (with Anneliese Day KC) for a party involved in a construction project in a potential claim for professional negligence.

Professional Discipline

Notable Professional Discipline cases

Advising an individual in relation to an FCA investigation (with Richard Lissack KC).

Solicitors Regulation Authority v Robinson [2019] 4 WLR 162

Instructed as sole counsel for the SRA in an application in the High Court under the Solicitors Act 1974 relating to the costs of an intervention. The application resulted in a full day's hearing (which included extensive cross-examination of the respondent).

Solicitors Regulation Authority v Leigh Day

Instructed with (Patricia Robertson KC, Paul Gott KC and Tetyana Nesterchuk) for the respondent solicitors in a 21-

day hearing in the Solicitors Disciplinary Tribunal. The case involved allegations of breaches of a number of conduct rules, and allegations of lack of integrity and dishonesty.

Appeared as sole counsel for a professional body in a hearing to resist the discharge of a charging order, which involved cross-examination of the applicant on the validity of a trust deed.

Assisted Tim Dutton KC in the preparation for disciplinary proceedings before the SDT involving allegations relating to accounts rules (among other matters).

Professional Negligence

Notable Professional Negligence cases

Instant Access Properties (in Liquidation) v Rosser [2018] EWHC 756 (Ch)

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Directory Quotes

"Extremely diligent and can be trusted to be absolutely all over the detail. Never misses a deadline and the work product is consistently good. He's a great person to have on your team."

The Legal 500

Directory Rankings

The Legal 500

- Banking & Finance
- Fraud: Civil

Education

- LL.B (Hons) (First Class) – Law with French Legal Studies – University of Glasgow (2006)
 - Dr John MacCormick Prize for the LL.B graduate deemed to have had the most distinguished academic record (2006)
 - Erasmus Exchange at Université Robert Schuman, Strasbourg, France (2004-2005)
- LL.M – University of Pennsylvania Law School (2007)
 - Thouron Scholar (2006-2007)
- Diploma in Legal Practice, Glasgow Graduate School of Law (2009)

Appointments, Memberships and Prizes

- Judicial Assistant to Lord Hope of Craighead, Deputy President, Supreme Court of the United Kingdom (2012-2013)
- Solicitor, Brodies LLP, Edinburgh (2011-2012)
- Research Assistant, Law Commission of England and Wales (2007-2008)
- Erasmus Exchange, Université Robert Schuman, Strasbourg, France (2004-2005)
- Participated in the European Human Rights Project, which involved the preparation of moot written pleadings and culminated in a hearing before judges and registrars in the European Court of Human Rights, Strasbourg (2005 – 2006).

Publications

- Joseph is the co-author, with Leigh-Ann Mulcahy KC, of the chapter entitled “Liability in Public Law” in P Feldschreiber (ed.), *The Law and Regulation of Medicines and Medical Devices* (2nd ed, OUP, 2021).
- Joseph is the co-author, with Nik Yeo, of a two-part article on cryptocurrency disputes (N Yeo and J Farmer, “Mapping the Landscape: Cryptocurrency Disputes under English Law: Part 1” (2019) 2 *Journal of International Banking and Financial Law* 80, with the second part at (2019) 5 *JIBFL* 290). Part 1 covered disputes between holders of cryptocurrencies, and between holders and service providers. Part 2 looks at disputes between service providers, and regulation.

Languages

- French

Awards

