



Joseph Leech

Call 2020

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Joseph has a busy practice that spans the full range of work at the Commercial Bar.

He has particular expertise in Aviation, Insurance, Civil Fraud, Banking and Finance and Company/Shareholder disputes, alongside general commercial litigation.

Much of his work is international in nature and raises issues of jurisdiction and/or conflicts of laws, and he deals frequently with foreign law (including US, Russian, Indian, French and Mexican law). At present, he is acting in some of the highest value insurance claims ever brought in the English Courts, arising from alleged losses of aircraft following the Russian invasion of Ukraine; in securities litigation against FTSE 100 and 250 companies concerned with alleged misconduct in the US; and in complex SIAC and ICC arbitrations of Indian shareholder disputes.

Before coming to the Bar, he studied at Cambridge (where he took a Double Starred First) and at Yale (where he was the Henry Fellow). Joseph has also worked as a full-time Judicial Assistant in the Commercial Court and Chancery Division, assisting Foxton J, Zacaroli J and Bacon J in a range of commercial trials and applications.

Recent Highlights

Russia/Ukraine aviation insurance litigation

Acting for War Risks insurers in multi-billion-dollar litigation arising from alleged losses of aircraft following the Russian invasion of Ukraine and the imposition of western sanctions (with David Railton KC, Simon Atrill KC and Ian Bergson, instructed by Kennedys LLP).

SIAC and ICC shareholder arbitrations

Acting in confidential SIAC and ICC arbitrations of shareholder disputes between Indian parties, involving the obtainment of anti-suit relief and raising issues of jurisdiction and arbitrability (with Matthew Gearing KC).

Wirral Council v Indivior plc and Reckitt Benckiser plc

Acting in shareholder claims under ss. 90 and 90A of FSMA 2000 against FTSE 100 and 250 companies, arising from alleged misconduct in the US relating to the marketing of pharmaceuticals (with Graham Chapman KC and Alex Barden, instructed by Mishcon de Reya LLP).

Privilege and confidentiality

Acting in an application for an injunction to restrain a party's solicitors from acting, involving allegations of improper access to privileged and confidential material (with Bankim Thanki KC and Tamara Oppenheimer KC, instructed by Quinn Emanuel Urquhart & Sullivan LLP).

McClellan & Ors v Andrew Thornhill KC [2022] EWHC 457 (Ch)

Assisting Zacaroli J (as a Judicial Assistant) in the 3-week trial of a professional negligence claim by a group of investors against a leading tax KC (one of The Lawyer's top 20 cases for 2021).

Expertise

Administrative & Public Law

Notable Administrative & Public Law cases

Claimants in the Royal Mail Group Litigation v Royal Mail Group Ltd

Assisting Adam Johnson J (as a Judicial Assistant) in substantial litigation in which investors alleged a failure by Royal Mail Group to charge VAT on postal services over several decades, involving questions of EU law and the status of RMG as an emanation of the state.

Assisting, during pupillage, with the Solicitors Regulation Authority's successful resistance to an application for permission to appeal from the judgment of the Divisional Court.

Assisting in a prospective judicial review of a financial regulator following the retroactive application of a regulatory scheme.

Aviation & Travel

Notable Aviation & Travel cases

Russia/Ukraine aviation insurance litigation

Acting for War Risks insurers in multi-billion-dollar litigation arising from alleged losses of aircraft following the Russian invasion of Ukraine and the imposition of western sanctions (with David Railton KC, Simon Atrill KC and Ian Bergson, instructed by Kennedys LLP).

Alterna Aircraft VB Ltd v SpiceJet Ltd [2023] EWHC 451 (Comm)

Acting for the successful aircraft lessor in an application for summary judgment for more than \$10 million in a claim against an Indian airline (with Akhil Shah KC, instructed by Stephenson Harwood LLP).

Assisting with the defence of a multi-million dollar claim for breach of an agreement for the sale of two aircraft and an engine (during pupillage).

Advising an engine component manufacturer on its liability for defective parts in an arbitration (during pupillage).

Advising on a complex multi-party negligence claim concerning damage to a military aircraft (during pupillage).

Acting both for and against airlines as sole counsel in passenger compensation claims, including a number of cases raising groundbreaking issues in the law of assignment.

Banking & Finance

Notable Banking & Finance cases

Barclays Partner Finance Timeshare litigation

Acting for Barclays in defence of a large number of claims brought under s. 75 CCA by purchasers of timeshare products (instructed by Hogan Lovells International LLP).

Advising in a case concerning alleged deceit and misrepresentation in relation to LIBOR-rigging, raising fundamental issues in the law of misrepresentation (during pupillage).

Assisting with a bank's successful resistance to an order for the production of documents under the Bankers Books Evidence Act 1879 for use in foreign extradition proceedings (during pupillage).

Assisting with a bank's successful application to strike out a claim concerning interest rate hedging products on grounds of res judicata and abuse of process (during pupillage).

Assisting with a Bank's successful application to strike out references in the Claimant's pleaded case to a judgment

given in French proceedings, in multi-jurisdictional litigation involving alleged breaches of confidence (during pupillage).

Advising a major bank on its defence to an unjust enrichment claim in which the claimant alleged that the bank's customer had fraudulently procured a payment from the claimant's account (during pupillage).

Acting regularly as sole counsel for a range of banks in defence of unfair relationship claims arising from the sale of PPI products.

Civil Fraud

Notable Civil Fraud cases

Clearcourse Partnership Acquireco Ltd & anr v Jethwa & ors

Acting for the claimant purchaser of a payment services company in a claim for deceit and breach of warranty against the sellers, raising complex issues under an SPA and in the law of misrepresentation (with Andrew Mitchell KC, instructed by Gibson & Co).

Wirral Council v Indivior plc and Reckitt Benckiser plc

Acting for investors bringing claims against FTSE 100 and 250 companies under ss. 90 and 90A of FSMA 2000, alleging non-disclosure of misconduct in the US relating to the marketing of pharmaceuticals and dishonest conduct by executives (with Graham Chapman KC and Alex Barden, instructed by Mishcon de Reya LLP).

Assisting with the preparation of submissions to the Supreme Court in a case concerning the interaction of the Proceeds of Crime Act 2002 and the law of constructive trusts (during pupillage).

Assisting with the defence of a claim by a sovereign wealth fund against a major bank involving allegations of corruption, breach of fiduciary duty, undue influence and illegality in the management of an investment portfolio (during pupillage).

Assisting with the defence of a claim for rescission of an agreement in a case involving allegations of duress, undue influence and corruption by Russian individuals (during pupillage).

Assisting with the defence of a claim for specific performance of an agreement for the sale of land, defended on grounds of illegality and involving allegations of money laundering and corruption (during pupillage).

Commercial Disputes

Notable Commercial Disputes cases

Clearcourse Partnership Acquireco Ltd & anr v Jethwa & ors

Acting for the claimant purchaser of a payment services company in a claim for deceit and breach of warranty against the sellers, raising complex issues under an SPA and in the law of misrepresentation (with Andrew Mitchell KC, instructed by Gibson & Co).

SIAC and ICC shareholder arbitrations

Acting in confidential SIAC and ICC arbitrations of shareholder disputes between Indian parties, involving the obtainment of anti-suit relief and raising issues of jurisdiction and arbitrability (with Matthew Gearing KC).

Acting in a major international sale of goods claim raising complex issues of jurisdiction, choice of law and Mexican law (with Ben Lynch KC).

Assisting with the quantum trial in a multi-million dollar claim for deceit, breach of contract and unlawful means conspiracy concerned with misleading demand forecasts in the electronics industry (during pupillage).

Advising on the interpretation of an agreement for the management of arbitral claims against the state of Zimbabwe (during pupillage).

Assisting with the defence of a multi-million dollar claim for alleged mismanagement of an investment portfolio held by a high-net-worth individual (during pupillage).

Company and Shareholder Disputes

Notable Company and Shareholder Disputes cases

Clearcourse Partnership Acquireco Ltd & anr v Jethwa & ors

Acting for the claimant purchaser of a payment services company in a claim for deceit and breach of warranty against the sellers, raising complex issues under an SPA and in the law of misrepresentation (with Andrew Mitchell KC).

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Wirral Council v Indivior plc and Reckitt Benckiser plc

Acting for investors bringing claims against FTSE 100 and 250 companies under ss. 90 and 90A of FSMA 2000, alleging non-disclosure of misconduct in the US relating to the marketing of pharmaceuticals (with Graham Chapman KC and Alex Barden, instructed by Mishcon de Reya LLP).

Financial Services

Notable Financial Services cases

Assisting with the defence of executives facing FCA enforcement action in the RDC and Upper Tribunal.

Acting for the Financial Services Compensation Scheme in successfully resisting a claimant's application to set aside an order striking out his claim (as sole counsel).

Assisting counsel (during pupillage) in advising the Financial Services Compensation Scheme on issues around its statutory immunity and potential liability.

Insurance

Notable Insurance cases

Russia/Ukraine aviation insurance litigation

Acting for War Risks insurers in multi-billion-dollar litigation arising from alleged losses of aircraft following the Russian invasion of Ukraine and the imposition of western sanctions (with David Railton KC, Simon Atrill KC and Ian Bergson, instructed by Kennedys LLP).

Acting for the insured in a multi-million pound claim against insurers under a product safety and recall policy, resulting a favourable settlement (with Ben Lynch KC).

Determining coverage issues under a policy of Directors' and Officers' liability insurance by way of binding expert determination (with Ben Lynch KC, instructed by DAC Beachcroft LLP).

Rockliffe Hall Ltd v Travelers Insurance Co Ltd [2021] Bus LR 656

Assisting with the Defendant's successful application to strike out a claim concerning business interruption cover in the COVID-19 pandemic (assisting Ben Lynch KC during pupillage).

Assisting with an insurer's successful claim to operate a discharge clause in an ad hoc arbitration concerning cover for the costs of an inquiry (during pupillage).

International Arbitration

Notable International Arbitration cases

SIAC and ICC shareholder arbitrations

Acting in confidential SIAC and ICC arbitrations of shareholder disputes between Indian parties, involving the obtainment of anti-suit relief and raising issues of jurisdiction and arbitrability (with Matthew Gearing KC).

Sodzawiczny v McNally [2021] EWHC 3384 (Comm)

Assisting Foxtton J (as a Judicial Assistant) in an application to enforce an award under s. 66 of the Arbitration Act 1996, raising questions as to the extent of the Court's discretion to refuse to enforce discretionary relief granted by the arbitrator.

Advising an engine component manufacturer in an LCIA arbitration (during pupillage).

Assisting (during pupillage) with an insurer's successful claim to operate a discharge clause in an ad hoc arbitration concerning cover for the costs of an inquiry (during pupillage).

Privilege, Confidentiality & Conflicts of Interest

Notable Privilege, Confidentiality & Conflicts of Interest cases

Instructed in an application for an injunction to restrain a party's solicitors from acting, involving allegations of improper access to privileged and confidential material (with Bankim Thanki KC and Tamara Oppenheimer KC, instructed by Quinn Emanuel Urquhart & Sullivan LLP).

Advising a firm (during pupillage) on the scope of its obligation to produce privileged documents to the SRA in compliance with a s. 44B notice.

Professional Discipline

Notable Professional Discipline cases

Advising a City firm on the scope of its professional obligations when ceasing to act for a sanctioned client (with Patricia Robertson KC).

Assisting with the SRA's successful resistance to an application for permission to appeal from the judgment of the Divisional Court (during pupillage).

Assisting with the defence of disciplinary proceedings brought by the Insolvency Practitioners' Association against a number of insolvency professionals (during pupillage).

Assisting with the SRA's resistance to an application by the respondent solicitor to stay the proceedings on the grounds of his mental health (during pupillage).

Professional Negligence

Notable Professional Negligence cases

McClellan & Ors v Andrew Thornhill KC [2022] EWHC 457 (Ch):

Assisting Zacaroli J (as a Judicial Assistant) in the 3-week trial of a professional negligence claim by a group of investors against a leading tax KC (one of *The Lawyer's* top 20 cases for 2021).

Advising and assisting, during pupillage, with the defence of a c. £25 million negligence claim against a firm of solicitors arising from the development of a hotel.

Education

- BA (History), Pembroke College, Cambridge: Double Starred First
- MA (History), Yale University (Henry Fellow)
- GDL, City Law School: Distinction
- BPTC, City Law School: Outstanding

Appointments, Memberships and Prizes

- Lord Mansfield Scholarship, Lincoln's Inn
- Lord Bowen Scholarship, Lincoln's Inn



- Buchanan Prize, Lincoln's Inn
- GDL Scholarship, City Law School
- Henderson Chambers Prize, City Law School
- Maitland Advocacy Prize
- Henry Fellowship; full Fellowship tenable at Yale or Harvard Universities, Henry Trust / Yale University
- Ranked first in the University in Preliminary Examinations, University of Cambridge
- Peter de Somogyi Memorial Prize, Pembroke College
- Blackburne-Daniell Prize, Pembroke College
- Howard Raingold Prize, Pembroke College
- Hansen Prize, Pembroke College
- Foundress Prize, Pembroke College
- Brian Riley Declamation Prize, Pembroke College
- Foundation Scholarship, Pembroke College
- Fung Scholarship, Hong Kong University / Fung Foundation

Languages

- French (advanced)

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