

Georgia Purnell

Call Date: 2018



Georgia Purnell is an experienced commercial barrister who specialises in banking and financial services disputes, commercial fraud and company and insolvency litigation.

Georgia is ranked as a "Rising Star" by the Legal 500 in Banking and Finance who regard her as "commercial", "client focused" and "robust in submissions".

Georgia primarily acts in litigation involving accessorial liability, asset recovery/tracing, banking and financial services disputes, breach of fiduciary duty and trust, conspiracy and fraud and she has significant experience in company and insolvency disputes. Georgia is often instructed as sole Counsel in complex commercial litigation across her range of specialisms and she has substantial High Court trial experience.

Legal Services

Banking & Financial Services

Georgia has significant experience acting for and against banks and other financial institutions in all aspects of banking and financial services disputes.

Georgia is ranked as a "Rising Star" by by the Legal 500 in Banking and Finance who comment she is "very user friendly, commercial and client focused. Robust in submissions and doesn't back off a tricky argument".

Georgia's recent experience includes:

- Advising on numerous proposed claims against leading banks for breach of the Quincecare duty of care for failing to prevent the misappropriation of company funds when put on inquiry, including a claim with a value exceeding £5.5million in which it was alleged the bank was put on notice that the instructions to execute transactions exceeding £5.5 million by the company's directors involved the misappropriation of company money.
- Advising as to the prospects of success of a proposed claim alleging dishonest assistance and/or breach of the Quincecare duty of care on part of an international bank connected with a Ponzi scheme.
- Successfully defending a claim brought against a bank for alleged interest rate swap mis-selling.
- Advising on a proposed claim for the mis-selling of complex interest rate hedging products.

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- Part of the specialist Counsel team instructed to draft amendments to financial services legislation promoting enhanced accountability for UK's financial regulators.
- Advising and acting in many proposed and issued claims for actionable breaches under s.138D FSMA (including with limitation issues), including a claim brought against an insurance broker for breach of the ICOBS rules (and negligence and breach of retainer) for failing to arrange adequate insurance.
- Advising on the consequences of carrying on regulated activities under FSMA in breach of the general prohibition, including recently as to the prospects of a claim pursuant to s.26 FSMA for recovery of monies paid under a mortgage to an unregulated lender and a claim based on unauthorised investment advice.
- Advising in respect of a claim by a pension fund against an investment bank for losses incurred in the course of securities lending.
- Acting and advising in multiple claims defending banks and financial institutions for breach of statutory duty, breach of fiduciary duty and unfair relationships.
- Advising as to the prospects of success of challenging FOS decisions, and the available routes of challenge.
- Advising as to the prospects of success of defending a claim for irresponsible lending.

Civil Fraud and Asset Recovery

Georgia specialises in civil and commercial fraud. She primarily acts in litigation involving accessorial liability (including dishonest assistance and knowing receipt), asset recovery and tracing, breach of fiduciary and statutory duties, breach of trust, bribery, conspiracy, fraudulent misrepresentation and banking, financial and investment fraud.

The nature of Georgia's practice means she has particular strength in acting in cases in which urgent relief is sought (primarily freezing, search and disclosure orders alongside proprietary injunctions) and she is experienced in international cases or those with jurisdictional issues and challenges.

Georgia's recent experience as sole Counsel includes:

- Appearing successfully in a High Court trial against a director with a value of £1.3million concerning the director's misfeasance and breach of fiduciary duty as a result of the fraudulent misappropriation of company money and payment of unlawful dividends.
- Acting for the successful claimants in a High Court trial for breach of fiduciary duty arising from the fraudulent transfer of company assets.
- Currently instructed in proceedings with a claim value in excess of £1.5million for breach of trust and fiduciary duty.
- Advising as to a prospective conspiracy and deceit claim arising from a Ponzi scheme against multiple defendants with a value in excess of £2million.
- Advising on a derivative action with a value of £1.5million brought against the company's director for breaches of fiduciary duty, involving the misappropriation of company funds paid to investment fraudsters where the director was on notice of the fraudulent scheme.
- Advising as to the prospects of success of a knowing receipt claim against a third party arising from the receipt of significant funds with the alleged knowledge that they were fraudulently misappropriated by a director in breach of fiduciary duty.
- Significant experience obtaining and resisting freezing orders in fraud cases.
- Advising as to an application for a search order application in circumstances in which the defendant in fraud litigation threatened the destruction of financial data (and computers and remote storage

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systems containing the data) central to the claimant's case.

- Successfully defending an energy company at trial in a claim for fraudulent misrepresentation and breach of contract.
- Advising in respect of disclosure applications in the High Court on behalf of an office-holder relating to underlying proceedings involving complex equitable proprietary claims (based on breach of duty, bribery, unlawful means conspiracy and knowing assistance).
- Advising in litigation with a value in excess of £1.5million for breach of trust and fiduciary duty in relation to the fraudulent misappropriation of company assets.

Commercial

Georgia's commercial practice covers a wide range of disputes and is complemented by her experience in banking and financial services litigation and corporate and insolvency disputes.

Georgia's recent experience includes:

- Acting and advising in a complex guarantee dispute with a value in excess of £1million.
- Advising a potential defendant to a substantial claim seeking to challenge the enforceability of complex personal guarantees and indemnities.
- Acting for a prominent PLC in the construction industry in the High Court in relation to debts owed by a construction company on three major development projects of over £1million.
- Acting for a pension trustee in Gibraltar in a dispute concerning the distribution of a £multi-million QROPS fund (led).
- Significant experience obtaining freezing orders in general commercial litigation disputes (non-fraud), including obtaining a freezing order in the High Court against a defendant who had been unjustly enriched by the mistaken payment of significant monies by an office holder based in the Republic of Ireland and on receipt started to dissipate those funds.
- Successfully representing one of the most prominent Emirati banks in a High Court application to contest the jurisdiction of the English courts in the context of a claim for breach of trust, breach of fiduciary duty and breach of contract.
- Successfully obtaining an order for summary judgment, alongside a significant indemnity costs order, on behalf of a Claimant domiciled in Hong Kong against a Defendant domiciled in Chile in a breach of contract claim. Currently advising as to enforcement of the judgment.
- Advising in relation to a security for costs application against an appellant domiciled in Australia.
- Advising a group of companies registered in Hong Kong as to the prospects of a contractual claim against a prominent Japanese automotive company with issues of the jurisdiction of the English Courts to hear the claim.
- Acting in relation to the enforcement of an adjudicator's award in the TCC.

Company and Partnership

Strengthening Georgia's commercial litigation practice is her extensive experience in company and partnership litigation. Georgia regularly acts in shareholder disputes and has particular experience in disputes with allegations of breach of fiduciary duty.

Recent cases in which Georgia has been instructed as sole counsel include:

- Advising a prospective petitioner in a £multi-million shareholder dispute alleging breach of fiduciary

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duty and unfairly prejudicial conduct arising from removing the petitioner as a director and preventing the petitioner from being involved in the management of the company, with further allegations of mismanaging and failing to account for company funds and assets with a view to preventing the petitioner from obtaining payment of fair value for their shares.

- Advising in relation to a derivative action with a value of £1.5million brought against the company's director for breaches of fiduciary duty, involving the misappropriation of company funds paid to investment fraudsters where the director was on notice of the fraudulent scheme.
- Advising on a high value partnership dispute regarding the enforceability of restrictive covenants.
- Acting in a complex unfair prejudice petition with a value of £1million.
- Acting in a high value partnership dispute concerning alleged serious breaches of the partnership agreement and diversion of the partnership's primary client base.

Insolvency

Georgia is frequently instructed in claims brought by office-holders against company officers, predominantly for breach of fiduciary and statutory duty, fraud, misfeasance and antecedent transactions, alongside litigation involving banks and other third parties. Georgia has significant High Court trial experience in all aspects of insolvency litigation.

Georgia's recent experience includes:

- Acting for the successful liquidators in a High Court trial against the company's director with a value in excess of £1million concerning the director's misfeasance and breach of fiduciary duty as a result of the fraudulent misappropriation of company money and payment of unlawful dividends.
- Significant experience acting for office-holders in the High Court in relation to defective office-holder appointments including in *Re Mederco (Cardiff) Ltd [2021] EWHC 386 (Ch)*.
- Advising in proceedings brought pursuant to the Third Parties (Rights against Insurers) Act 2010 with a claim value in excess of £1.5million relating to underlying liability of the insured for breach of trust and fiduciary duty.
- Acting for the successful liquidators in a High Court trial against the company's director in a breach of fiduciary duty, preference, transaction at undervalue and s.423 claim.
- Successfully appearing in a High Court trial against a director for breach of fiduciary duty as a result of orchestrating a scheme of payments to connected parties disguised as payments for proper company purposes.
- Currently instructed by office-holders in proceedings brought against de jure and de facto directors with a claim value in excess of £1.5million for breach of trust and fiduciary duty.
- Advising a prospective petitioner in respect of a proposed petition to wind up a foreign company in the courts of England and Wales.
- Appearing on behalf of a liquidator in an application in the High Court for a warrant for the arrest of company directors domiciled in Northern Ireland and the related seizure of documents for failure to attend a private examination and comply with an order to deliver up documents.
- Appellate experience, including acting for the successful trustees in bankruptcy in a High Court appeal relating to beneficial interests in land and successfully appearing on behalf of joint trustees-in-bankruptcy in the High Court in an application for relief from sanctions to pursue an out of time appeal.
- Acting for a prominent PLC in the construction industry in a creditor's administration order application in the High Court in relation to debts owed by a construction company on three major development projects of approximately £1million.
- Acting for directors in s.217 proceedings issued for breach of s.216 for acting as directors of a company

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with a prohibited name brought by prominent litigation funders. Issues as to whether the new company was “trading” within the meaning of the statutory exception in the 12 months prior to the liquidation.

- Successfully acting for the applicant in urgent injunctive relief proceedings in the High Court restraining presentation of a winding-up petition.
- Advising in respect of disclosure applications in the High Court on behalf of a liquidator in relation to underlying proceedings involving complex equitable proprietary claims (based on breach of duty, bribery, unlawful means conspiracy and knowing assistance).

Notable Cases

Re Mederco (Cardiff) Ltd [2021] EWHC 386 (Ch).

Application in the High Court relating to a defective administration extension where the consent of hundreds of international investors with claims exceeding £4.5 million, who should have been treated as secured creditors as holders of equitable liens, was not obtained. Significant judgment considering whether the Court can backdate a retrospective administration order for more than 364 days and determining that the post-Brexit legislation applied despite the order being backdated before the end of the transition period. Retrospective administration order plus an extension obtained.

Professional Liability

Georgia is experienced in directors’ and officers’ (D&O) claims and related coverage disputes, alongside claims against insolvency practitioners, in which she is particularly well positioned to act given her extensive experience in corporate and insolvency litigation.

Georgia regularly advises and acts (for both claimants and defendants) in claims concerning directors’ and officers’ breaches of fiduciary and statutory duty, insurance coverage disputes under D&O policies, claims with an insolvency element, proceedings brought pursuant to the Third Parties (Rights Against Insurers) Act 2010 and misfeasance proceedings against office-holders.

Georgia’s recent experience includes:

- Successfully acting in a High Court trial with a value in excess of £1million concerning a director’s misfeasance and breach of fiduciary duty as a result of the misappropriation of company money and payment of unlawful dividends.
- Successfully appearing in a High Court trial against a director for breach of fiduciary duty as a result of orchestrating a scheme of payments to connected parties disguised as payments for proper company purposes.
- Successfully appearing in a High Court trial against a director in a breach of fiduciary duty, preference, transaction at undervalue and s.423 claim.
- Currently instructed in proceedings brought against de jure and de facto directors with a claim value in excess of £1.5million for breach of trust and fiduciary duty.
- Advising on insurance coverage disputes under D&O policies, including recently advising at to the rejection of an indemnity relating to an underlying breach of fiduciary claim with a value of £1.5million.
- Advising and acting in claims under Third Parties (Rights Against Insurers) Act 2010, including currently instructed in proceedings brought under the 2010 Act with a value in excess of £1million.
- Advising a creditor of a company in administration as to the prospects of success of a misfeasance claim against the administrators for failing to realise the true value of the company’s assets and

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incorrectly disclaiming property.

- Advising a group of creditors as to the merits of a misfeasance claim against the administrators for distributing dividends in breach of the order of priority, including the payment of a dividend to a lower ranking secured charge holder and the payment of the administrators' fees first where there was no secured creditor consent to prioritise the remuneration.
- Advising and successfully appearing in the High Court on behalf of joint administrators in relation to their proposed appointment as liquidators in circumstances in which many creditors had brought misfeasance proceedings against the joint administrators.

Accreditations



Memberships

- Chancery Bar Association
- TL4 Fire

Education

- Bar Professional Training Course (Outstanding) – BPP (2017 – 2018)
- GDL (Distinction) – BPP (2016 – 2017)
- BA History – Brasenose College, Oxford

Awards

- Cholmeley Scholarship – Lincoln's Inn
- Lord Denning Scholarship – Lincoln's Inn

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- Hardwicke Scholarship – Lincoln’s Inn
- Buchanan Prize – Lincoln’s Inn
- Lord Haldane Scholarship – Lincoln’s Inn
- Prize for achieving the highest mark in Commercial Dispute Resolution – BPP
- Advocacy Scholarship – BPP