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Year of Call: 2021

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Clerk: Raj Lamba

PRACTICE AREAS

Insolvency & Restructuring

Property

Commercial

Company

Banking and Finance

Professional Negligence and Disciplinary

Wills, Trusts and Probate

PROFILE

Bertie has a commercial chancery practice spanning the range of Chambers' practice areas. He is regularly instructed in matters concerning insolvency law, company law, banking and financial services, and property law.

Since joining Chambers in October 2022 following successful completion of pupillage, Bertie has appeared frequently in the Business and Property Courts and the County Court, as well as providing advice for clients before and during litigation, and carrying out drafting.

Recent cases Bertie has been involved with include:

- Advising on the service of documents on a company incorporated in Curaçao that had recently gone into liquidation.
- Advising a client pursuing a claim against a dissolved company on seeking to have the company restored to the register.
- Successfully resisting a claim for breach of contract concerning fees allegedly to a recruitment agency.
- Acting as junior counsel (led by Neil Levy) in a claim under FSMA 2000 and for breach of contract concerning spread-betting on the price movements of oil futures.
- Advising and appearing at a mediation concerning a three-way Inheritance Act 1975 dispute involving a family business.
- Successfully obtaining summary judgment for the claimant in a case of unjust enrichment in relation to inadvertent overpayments.
- Successfully obtaining summary judgment for a defendant bank in the face of a claim for breach of contract and breach of trust.
- Assisting a regulator with disclosure in relation to a multi-million pound cum-ex dividend fraud perpetrated on a foreign exchequer.

Bertie graduated from Merton College, Oxford, with a degree in English. Prior to joining the bar, Bertie worked for a death penalty charity in St Louis, Missouri, and at the Infected Blood Inquiry. He also spent over ten years as a professional wedding photographer.

PRACTICE AREAS

Insolvency & Restructuring

Bertie regularly appears on behalf of creditors, debtors, and office holders in proceedings for both corporate and personal insolvency.

He can assist at all stages of the winding up and bankruptcy processes and accepts instructions in matters such as transactions at an undervalue and void dispositions, challenges to office holders' remuneration, applications to remove and appoint office-holders, freezing orders and proprietary injunctions, and proprietary and personal remedies.

Recent cases include:

- Obtaining an order on behalf of joint liquidators that a director produce documents and information that was being withheld.
- Obtaining an order that advertisement of a winding up petition be restrained pending assessment of the size of a counterclaim.

Property

Bertie's property practice encompasses landlord and tenant disputes and wider issues in property litigation. As well as regularly appearing for both tenants and landlords in possession claims under Part 55 procedure, Bertie has advised on common intention constructive trusts, obtaining charging orders, obtaining orders for sale under TOLATA 1996, the removal of restrictions from the Land Register, and restrictive covenants in residential and commercial contexts.

Recent cases include:

- Successfully applying for a judgment for rental arrears to be set aside.
- Settling a Defence on the basis of a common intention constructive trust and proprietary estoppel.
- Advising on prospects of making a claim for possession where there was a disputed business tenancy.
- Advising on prospects of an opponent successfully arguing they had severed a joint tenancy.
- During pupillage, assisting in advising how to obtain damages for property damage stemming from a negligent property search.

Commercial

Bertie acts across the range of commercial litigation, both as an advocate at interim applications and final hearing, and in providing advice and settling statements of case. He frequently appears on behalf of clients ranging from individuals, small and medium businesses, large corporations, banks and finance institutions. He accepts instructions in matters such as sale and carriage of goods disputes, construction of contracts and contractual disputes, misrepresentation, securities and guarantees, and civil fraud.

Recent cases include:

- Obtaining an order that a claim be struck out on the basis of judicial immunity
- Successfully seeking an order for costs for unreasonable behaviour where costs were otherwise capped on the small claims track.
- Obtaining an order that a claim be struck out unless compliant particulars of claim were filed.
- During pupillage, assisting advising on a complex dispute arising from an agreement to redevelop a sports club.
- During pupillage, assisting at a mediation to resolve a dispute concerning alleged breach of a sponsorship agreement.
- Successfully litigating several claims on the small claims track.

Company

Bertie's practice encompasses all areas of company law, regularly advising clients and appearing in court of their behalf. As well as applications under the Companies Act 2006, Bertie acts in shareholder disputes, partnership, de facto partnership, limited partnership and limited liability partnership matters, the sale of shares and businesses, and applications under the Company Directors Disqualification Act 1986.

Recent cases include:

- Successfully seeking removal of charges from the Companies Register.
- Advising on restraint of trade and restrictive covenants in a share purchase agreement.
- Assisting in reaching a settlement in a mediation stemming from an unfair prejudice petition.

Banking and Finance

Bertie has a burgeoning banking and finance practice. During pupillage he assisted in a range of cases concerning asset finance, leasing agreements, mortgages, guarantees, and consumer credit matters, at trial and in mediation. His experience also extends to FCA regulatory investigations, financial instruments, and other cases involving FSMA.

Recent cases include:

- Assisting lead counsel in a significant claim for mis-selling contracts for difference (CFDs).
- Assisting in a series of claims by a financier in a wide range of tri-partite asset leasing agreements.
- Regulatory action concerning alleged dividend arbitrage fraud.
- Advising on recovery of funds misappropriated as a result of labour supply fraud.

Professional Negligence and Disciplinary

Bertie welcomes instructions concerning allegations of professional negligence, particularly where they intersect with his other practice areas. During pupillage, he assisted in a multimillion-pound claim against a business valuation practice.

Wills, Trusts and Probate

Bertie welcomes instructions in all areas of wills, trusts, and probate, including applications under the Inheritance Act 1975, advising on the interpretation of wills, and acting where wills contested on the grounds of duress or undue influence.

Recent cases include:

- Settling a Defence to a claim for possession on the basis of a common intention constructive trust.
- Advising an insurer on the likelihood of a constructive trust defeating a claim for contribution.

Robert Day -v- Forex Capital Markets Limited [2023]
EWHC 1349 (Comm)

Whether a provider of CFD trading in oil futures was liable to a consumer for losses of almost £2m due to alleged breach of contract and a breach of statutory duty, specifically its terms of business and the FCA COBS rules. The Claimant alleged that the Defendant had failed properly to carry out the required appropriateness assessment under the COBS rules, failed to provide confirmation of essential information relating to his trades in a durable medium, misled the Claimant by advertising the wrong expiry date for the futures or failed to honour a contract based on those expiry dates, and failed to give prior notice that its system would not allow negative pricing of the underlying product and would close open contracts if the price reached zero.

Chopra v Katrin Properties Ltd [2022]
EWHC 2728 (Ch)

CAREER AND ASSOCIATIONS

Bar Course Exhibitioner – Inner Temple (2020)

Bar Vocational Course (distinction) – City, University of London (2021)

Graduate Diploma in Law (distinction) – City, University of London (2019)

BA English Language & Literature – Merton College, University of Oxford (2017)

Member of the Chancery Bar Association



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