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Otis Graham

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Insolvency & Restructuring
Company
Commercial
Property







PROFILE

Otis joined Chambers in April 2020 upon successful completion of his Third Six pupillage. During his time at Enterprise he has gained experience across a range of practice areas, and appears regularly in the High Court and County Courts. He has developed a particular emphasis on insolvency litigation, but regularly undertakes property, company and general commercial work, and welcomes instructions in matters spanning the commercial and chancery fields. He prides himself on resolutely pursuing his clients' objectives while providing clear and pragmatic advice.

Otis accepts instructions in all of Chambers' main practice areas.

Before undertaking pupillage Otis completed an LLM at University College London (Distinction); the BPTC (Outstanding); and the GDL (Distinction, highest mark in the University of Law nationally). Before converting to law he graduated with a First in English Language and Literature from Oxford.

PRACTICE AREAS

Insolvency & Restructuring

Otis is developing an extensive insolvency practice. He is regularly instructed to advise and represent clients in proceedings including:

- Winding-up and bankruptcy petitions;
- Rescission and annulment applications in bankruptcy and winding-up;
- Applications to set aside statutory demands;
- Applications to hold private examinations;
- Income Payments Orders applications;
- Applications to suspend discharge from bankruptcy;
- Administration extension applications;
- Applications involving office-holders' remuneration;

- Claims involving TUVs, IVAs, CVAs and administrations;
- Proceedings with international elements such as disputes over COMI and applicable law;
- Cases involving the Corporate Governance and Insolvency Act 2020.

His recent experience includes:

- Successfully acting for the petitioners in a bankruptcy petition based on a disputed £4.2m debt and involving related receivership and administration proceedings.
- Representing defendants in a High Court claim brought by liquidators under ss.238-9 and for breach of directors' duties.
- Advising and acting in coordinated winding-up and bankruptcy proceedings involving investor assets misappropriated and transferred within a network of companies.
- Representing the CVA supervisor of a well-known football club in high-profile winding-up proceedings.

Otis is co-editor of the insolvency chapter in The Landlord & Tenant Factbook.

Company

Otis has a broad background in company and general chancery litigation, with experience in claims involving breach of fiduciary duty, termination of directors' contracts, tracing, shareholder disputes, company restorations and applications involving the Companies Register.

His recent experience includes:

- Assisting with multi-million pound offshore litigation involving allegations of breach of a director's service contract and a large group of companies spread across multiple jurisdictions.
- Advising the respondent to a Companies Act application brought by a well-known accountancy firm, drafting documents and achieving a favourable settlement.
- Advising investors in a group of companies on the liability of a director/shareholder for misappropriating assets, and acting in related insolvency proceedings.

Commercial

Otis is developing a strong practice in this area, and is regularly instructed to provide drafting, advice and advocacy in commercial claims ranging from consumer credit actions to disputes arising from construction and property ventures. He has experience acting in a variety of interim applications, including set-aside and summary judgment applications.

Among the various commercial cases in which Otis assisted during pupillage at his previous set were a high-profile construction dispute involving claims in negligence and misrepresentation; a dispute between property developers involving sale of land; and a £1bn energy dispute in the Commercial Court.

Otis's recent experience in this area includes:

- Obtaining summary judgment for a major UAE bank in a claim based on liability for the equivalent of £1.4m.
- Successfully acting for the defendant in an application to set aside a judgment obtained in a software licensing dispute.
- Advising in relation to default judgment and enforcement proceedings in a £3.5m professional negligence claim.

Property

Otis has experience of a broad range of property litigation. His landlord and tenant practice covers commercial and residential disputes, including those involving agricultural tenancies, assured tenancies and claims for injunctive relief. His experience in property litigation more generally includes:

- TOLATA claims;
- Applications for charging orders;
- Possession and sale applications in bankruptcy;
- Cases involving domestic and non-domestic rates and liability orders;
- Claims involving mineral rights;
- Cases involving boundary disputes, mortgages, sale of land, proprietary estoppel

and constructive trusts.

Otis co-edits a chapter of The Landlord & Tenant Factbook.

Offshore and International

Otis welcomes offshore instructions, having spent a significant part of his Third Six assisting a leading offshore firm on a high-value claim in Jersey, visiting the island twice in the process. The litigation in question involves a corporate group spread across European, African and Asian jurisdictions.

Otis is also experienced in dealing with conflicts of laws issues in smaller-scale litigation, having represented foreign banks in a number of debt recovery actions and advised on jurisdictional issues in insolvency proceedings with cross-border elements.

CAREER AND ASSOCIATIONS

Called to the Bar by the Inner Temple (2017)

LLM, University College London (2017-18): Distinction

BPTC, University of Law (2016-17): Outstanding; highest mark in cohort for International Commercial Practice

GDL, University of Law (2015-16): Distinction; highest mark across the University of Law nationally

BA (Hons), English Language and Literature, University of Oxford (2011-14): First Class

Awarded the Bristol Law Society's 'Student of the Year' award (2016)

Awarded a Major Scholarship by Inner Temple (2016)

Awarded the University of Law's Provost's Award for Excellence (2016) and Law First Scholarship for exceptional academics (2015)

PUBLICATIONS

Contributor to The Landlord and Tenant Factbook



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