

## WARREN BANK

Year of call: 2014

Clerked by: Brandon Singh

AREAS OF EXPERTISE:

Arbitration Banking & Finance Property Commercial  
Litigation Insolvency Technology & Construction



## Insolvency

Warren is regularly involved in personal bankruptcy and corporate insolvency litigation, having gained extensive experience in this field in South Africa, where he was regularly instructed by creditors and insolvency practitioners in directors' misfeasance claims, transactions at undervalue, and the breach of fiduciary duties. Some of his recent work involves advising and acting for former directors in personal liability claims under s217 of the Insolvency Act, 1986, applications to rescind winding-up orders, setting aside of statutory demands, and actions on behalf of liquidators to recover dividends paid to former directors under s238. Warren is also frequently instructed on behalf of Administrators seeking an extension of their powers or for orders against former directors.

His insolvency work has extended to the Isle of Man where he was instructed in an appeal against a judgment of the High Court of Justice, involving the decision of a liquidator to sell a superyacht at a loss, and the subsequent petition to the Judicial Committee of the Privy Council.

Warren was recently successful in having the prosecution of an alleged insolvency offence against a bankrupt withdrawn by the Crown based on his written submissions.

## Profile

After almost 20 years of practice at the Johannesburg Bar as an Advocate of the High Court of South Africa, Warren transferred to the UK in early 2016 to continue and develop his practice here. During his more than two decades in practice Warren has enjoyed a wide-ranging practice encompassing all aspects of commercial litigation, involving a fair amount of cross-border and international disputes.

Warren has extraordinary advocacy experience and is equally comfortable in the High Courts of several jurisdictions but also of advocacy before several Appellate Courts. He is frequently instructed in High Court disputes involving complex property and commercial leasing disputes, as well as banking and financial services in the telecommunications industry. In South Africa, Warren was frequently instructed on behalf of some of the largest gold and platinum mining companies in the world to advise and act in large-scale industrial disputes and developed a niche employment law practice focusing on collective bargaining, dismissal, whistleblowing and redundancy disputes. In 2013 he was invited to be an Acting Judge (equivalent to a Deputy High Court Judge) of the Labour Court of South Africa which he held until his departure for the UK in 2016. Warren has written several important reported judgments in judicial review matters such as *Concor Holdings (Pty) Limited v Mazibuko* (<http://www.saflii.org/za/cases/ZALCJHB/2013/141.html>) which was upheld by the Labour Appeal Court and *Hon Shin Enterprises v National Union of Metalworkers of SA* (<http://www.saflii.org/za/cases/ZALCJHB/2013/335.html>). Warren has substantial experience and familiarity with urgent High Court applications, injunctions and freezing orders in all areas of commercial, insolvency and property law.

Warren has extensive experience of cross-border litigation and enjoys the interplay of different legal systems. He was instructed to appear in a series of urgent applications in the Botswana High Court on behalf of a Belgian diamond trader involving the hostile takeover of a diamond trading company, in the midst of simultaneous litigation in Europe, working as part of a team with Belgian lawyers. He currently acts for and advises South African multinational companies in UK litigation matters.

Warren's background as a barrister and part-time judge in South Africa, and his subsequent transfer to the UK, have afforded him substantial experience and a strong interest in the study and practice of comparative law. He is particularly interested in how common law systems interact and the enforcement of foreign judgments. He has been editor of the chapter on South Africa in *Enforcement of Foreign Judgments* (Kluwer Law International BV, Netherlands) for the past eight years.

**Year of Call:** 1997 (South Africa)

**Year of Call UK:** 2014 (Gray's Inn)

## Areas of Expertise

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Arbitration

Banking & Finance

Commercial Litigation

Insolvency

Property

Technology & Construction

## Memberships

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Gray's Inn

North Eastern Circuit

Member of the British Irish Commercial Bar Association (BICBA)

Associate member of R3 -Association of Business Recovery Professionals

Chancery Bar Association.

Previously, various sub-committees of the Johannesburg Bar Council.

Gray's Inn Moot assistant trainer

Gray's Inn Chorus

## Publications

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*A new dawn for international arbitration in South Africa?* - May 2017 - Thomson Reuters Arbitration Blog. <http://arbitrationblog.practicallaw.com/a-new-dawn-for-international-arbitration-in-south-africa/>

*Should I stay or should I go? (Kean v Lucas (as liquidator of J&R Builders (Norwich) Ltd))* -November 2016 - LexisNexis R&I Blog. How should a liquidator handle a request for his removal under section 177 of the Insolvency Act 1986 (IA 1986) and the Insolvency Rules 1986 (IR 1986)?

*Validity of appointment and costs of administration—application of Duomatic principle (Re BW Estates Ltd, Randhawa v Turpin)* LexisPSL Restructuring & Insolvency Monthly Highlights - September 2016.

*"Commercial Bribery: Reconsidering the Juridical Basis for the Principal's Remedies against the Briber"* published in 1997 (60) THRHR at 461-477 (South Africa).

Since 2012 - Warren has been editor of the South African Chapter (Chapter 23) for the international legal publication *"Enforcement of Foreign Judgments"* published by Kluwer Law International, Amsterdam and bi-annual updates.

## Appointments

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2013 - 2015 Appointed as Acting Judge of the Labour Court of South Africa (4 appointments)

## Qualifications

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2016 SEC International Advanced Advocacy Training Course - Keble College, Oxford

2014 Bar Transfer Test - BPP University, London. Obtained highest mark (97%) in Oral Advocacy

1997 Admitted as Advocate of the High Court of South Africa and also admitted in Botswana and Namibia

1997 LLB (University of South Africa) - 9 individual subject distinctions including International Trade and Shipping Law, Conflict of Laws and Transnational Business Law

1996 Juta Law Prize for Best LLB Dissertation

1990 Bachelor of Commerce (Economics and Business Finance) -University of the Witwatersrand, Johannesburg

## Recommendations

Legal 500 2020: Commercial Litigation: "Warren is very attentive to detail and meticulous in planning a coherent strategy for the entire litigation process up to and including trial. He is also a strong advocate from the Courtroom to mediations and settlement meetings.'

