

WARREN BANK

Year of call: 2014

Qualifications: Bachelor of Commerce (Economics and Business Finance), LLB

Clerked by: Louise Barnes Luke Heywood

AREAS OF EXPERTISE:

Arbitration Banking & Finance Commercial Litigation
Insolvency Technology & Construction



Profile

Warren transferred to the UK in January 2016 after practicing for 19 years at the Johannesburg Bar as an Advocate of the High Court of South Africa. During his almost two-decades in practice Warren enjoyed a wide-ranging practice encompassing all aspects of commercial litigation.

Warren has been 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 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 and redundancy disputes. From 2013 he was invited to be an Acting (part-time) Judge in the Labour Court of South Africa (equivalent to a High Court Judge) and has written several important reported judgments.

Warren has substantial experience in appellate advocacy at the highest levels, as well as an extensive familiarity with urgent High Court applications, injunctions and freezing orders in all areas of commercial, insolvency and property law.

Year of Call: 1997 (South Africa)

Year of Call UK: 2014

Areas of Expertise

Arbitration

Warren has years of experience as counsel in commercial arbitrations. He has also been appointed as an arbitrator on several occasions, including several appointments by the South African Bargaining Council for the Diamond Industry in industrial employment disputes.

In 2013 he was invited to be an Acting (Deputy) Judge in the Labour Court of South Africa and has had 3 subsequent part-time appointments since then, during which time we has written several reported judgments.

Banking & Finance

Commercial Litigation

Warren has experience in commercial leasing disputes, building construction, banking and financial services, and the telecommunications industry. He was recently instructed with Ed Pepperall QC in an International Arbitration in the LCIA on behalf of BVI investors in a dispute concerning loans for the financing of gold mines in Zimbabwe. 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 acts for South African multinational companies in UK litigation matters.

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.

His insolvency work has extended to the Isle of Man where he was recently 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 Privy Council.

Technology & Construction

Warren has gained invaluable experience in technology and construction matters, with a particular focus on disputes involving mobile telephone operators, call centres, and point-of-sales computer technology. He has recently been instructed in an appeal involving a contractual dispute by a well-known electronic payment network. Before that he was instructed in an arbitration by a vehicle fleet tracking company in a dispute concerning the technical product aspects of the computer tracking systems.

Memberships

Member of the British Irish Commercial Bar Association (BICBA)

Associate member of R3 -Association of Business Recovery Professionals

Gray's Inn.

Commercial Bar Association

Chancery Bar Association.

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

Gray's Inn Moot assistant trainer

Gray's Inn Chorus.

Publications

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

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

Qualifications

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