

Adam Porte

Call: 2015



Adam Porte is an experienced barrister with a busy commercial and traditional chancery practice. Adam appears regularly in the County Court and High Court with a particular focus on financial regulation, company and partnership disputes, commercial litigation, property and wills and probate.

Adam is particularly adept at getting to the heart of complex matters quickly, is a highly effective oral and written advocate and is approachable and easy to work with.

Before joining No5 Adam spent five years at the Financial Conduct Authority and has a particular expertise in matters relating to financial regulation and in particular as to the scope of the Financial Services and Markets Act 2000 and the associated Regulated Activities Order.

Expertise

Business & Property

Adam practices the following areas:

Banking, Finance & Financial Regulation

Prior to joining No5 Adam spent five years at the Financial Conduct Authority primarily focusing on the perimeter of financial regulation and the extent to which the sale of certain products amounted to regulated activity.

Since joining No5 Adam has frequently advised clients as to whether proposed actions or products would require authorisation by the regulator.

Recently, Adam has advised one corporate entity as to the regulatory position in respect of a proposed complex loan structure and another on whether proposed activity amounted to financial promotion and the relevant steps to be taken. Adam is also instructed

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by individuals and recent work includes advising in respect of an unsuitable pension transfer and an alleged failure to comply with a decision of the Financial Ombudsman.

Adam is regularly instructed by financial institutions in respect of a wide range of consumer credit disputes. In particular Adam frequently acts for lenders in claims where allegations are made that transactions, often made via brokers, are tainted by the payment of secret commissions.

Company & Partnership

Adam is regularly instructed in often high value company and partnership disputes. In particular, Adam has experience dealing with derivative actions, s994 petitions and other actions against company directors.

Adam was recently led by Alex Heylin in a multi-million pound High Court action which included a s994 petition and a linked claim for breach of trust. The matter was factually and legally complex and ended with a favourable settlement for the client.

Other recent matters in which Adam has been instructed include acting for a de jure Director accused of misappropriating significant company funds and against an alleged de facto Director for breach of trust and secret profit.

Commercial Litigation

Adam has a broad commercial litigation practice acting for both claimants and defendants in the County and High Court. Adam is regularly instructed in commercial disputes including claims for alleged breach of contract and debt recovery claims.

Recent work includes acting for a fintech company in respect of an alleged failed multi-million dollar investment by an overseas investor, a contractual dispute between two corporate entities as to the ownership and liability for commercial machinery and a claim for conversion against an auction house purporting to act only as an intermediary.

Other notable recent work includes successfully acting for a company whose disused chalk quarry, adjacent to a nature reserve, was subject to unauthorised dumping of around 20,000 tonnes of household and commercial waste. The case included Adam successfully arguing that the Part 36 costs consequences ought to apply even in circumstances where the offer to settle was for a sum under 1.5% less than eventually awarded before taking interest into account.

Alongside court work, Adam's is routinely instructed to advise pre-issue, settle pleadings and act for parties in mediation. Recent instructions include a successful mediation between two individuals involved in a protracted dispute as to the management of a large property portfolio.

Insolvency

Adam has a broad insolvency practice and has extensive experience acting in both individual and corporate insolvency proceedings. Alongside acting for petitioners, debtors and companies in bankruptcy and winding up petitions, Adam has significant experience dealing with associated applications such as applications to set aside statutory demands, validation orders and applications to restrain advertisement.

Further, Adam has acted in proceedings brought pursuant to alleged transactions under value and preferences.

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Adam's work also includes advising creditors, debtors and insolvency practitioners. Recent such work includes advising the joint liquidators of a company placed into Members' Voluntary Liquidation in relation to an appeal made by a purported creditor pursuant to Rule 14.8 of the Insolvency Rules.

Inheritance Act Disputes

Adam accepts instructions in a broad range of matters relating to inheritance, wills, trusts and estates. Instructions regularly include 1975 Act claims for both claimants and defendants, contentious probate disputes, the administration of estates and other estates work.

Recent work includes a multi-track claim involving a complex dispute as to the administration of an estate of a party whose capacity was disputed, a claim to resolve the administration of an estate of a missing person, applications to remove executors and for the taking of an account within an estate.

Adam is often instructed to act for parties at mediation. Recent instructions include acting for an executor defending a claim against an estranged adult sibling, and for an executor in a claim for reasonable provision brought by a spouse.

Adam is also regularly instructed in claims made disputing or asserting a beneficial interest in property. Such work includes TOLATA claims made by ex-partners. Recent work includes successfully acting for a woman whose ex-partner sought to dispute the validity of an express trust and claim an entitlement to half the value of a property.

Accreditations

- Inner Temple exhibition scholarship for GDL and BPTC
- BPTC Inner Temple Davis Prize for Advocacy, Winner, 2016

Qualifications

- BPTC, BPP University, London
- LLB (Hons), BPP University, London
- BA(Hons) History, University of Sheffield

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