

Paul J Dean

Call: 2001

"Paul pays great attention to detail and has an impressive memory of the facts and is able to make points in simple ways with many examples. He has always been approachable and gives clear instructions. He is highly reliable and offers great support in times of difficulty."

Legal 500 2023



Paul Dean practices in the fields of Business & Property and International law, and has over 15 years experience.

Expertise

Business & Property

Paul practices the following areas:

Banking, Finance & Financial Regulation

Paul has a lot of experience acting for or against financial institutions (as dictated by the Cab Rank rule). Over the years his cases have involved:

Buy-to-let mortgage fraud, want of authority, restitution, factoring, guarantees and indemnities, contested mortgage possessions/enforcement actions, FCA Handbook compliance (including mis-selling of mortgages and other financial products), advising on complaints made to the Financial Ombudsman Service and the FSCS (plus Judicial Review thereafter).

He has taken a particular interest in IRHP (SWAPS) claims, particularly in the context of insolvent companies.

Commercial Litigation

Paul has been in practice as a commercial barrister for over 15 years.

Prior to his call Paul qualified as a solicitor (Eversheds – 1996) and a Solicitor-Advocate (2001).

Birmingham

103 Colmore Row
Birmingham
B3 3AG

DX: 16075 Fountain Court Birmingham
Telephone: +44 (0) 121 606 0500

London

Fifth Floor
7 Savoy Court
London WC2R 0EX

DX: 449 London Chancery Lane
Telephone: +44 (0) 207 420 7500

Bristol

30 Queen Square
Bristol
BS1 4ND

DX: 7838 Bristol
Tel: +44 (0) 117 917 8501

His first degree gives him helpful technical and practical knowledge of disputes involving engineering and technology. He has a keen interest in cases involving IT and IPR.

Paul specializes in the following areas:

Insolvency, Company and Partnership, Banking and Finance.

His practise also includes:

Property, Trusts, Injunctions (including in personam, proprietary and mandatory), High value motor vehicles (so far a Maybach and a vintage Aston Martin DB5), Restraint of Trade, Arbitration: London and International (Copenhagen), and ADR (mediation and other formats).

Company & Partnership

Paul has extensive experience in field of partnership law. Chambers and Partners UK 2017 (partnership) says:

“He has one of the best junior partnership practices in Birmingham and is more experienced in it than anyone else I know: a go-to man for partnership.”, “Always a port of call for me: I trust him when it comes to partnership law and he’s involved in the big cases.”

Paul’s Partnership experience has included:

Insolvency Practitioners, Solicitors, Accountants, Property investors, Doctors, Publicans, Taxi drivers, and Wealthy milkmen.

Paul’s Company experience has included:-

breach of directors’ duties, change of control (including improper purpose and invalidity), breach of trust, and unfair prejudice.

Insolvency

Paul has substantial experience in Insolvency. He is trusted by insolvency solicitors and insolvency practitioners alike with a range of insolvency work for companies and individuals.

He has had work published in Insolvency Intelligence (peer reviewed) and Corporate Rescue and Insolvency.

He also has experience of insolvency injunctions in the context of:- petitions, administration applications, and provisional liquidations.

He was counsel in the cases where a provisional liquidator was appointed instead of an administrator:-

Re: Safehosts [2013] BCC 721, and, Re: Brown Bear Foods [2014] EWHC 1132.

He also acted for the liquidator in Re: Husky Group Limited (in liquidation) [2015] B.P.I.R. 184 which dealt with the use of hindsight when assessing insolvency, the form of relief for s.423 and also CPR Part 36.

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Intellectual Property & IT

Paul is a Business and Property barrister of more than 20 years experience but also has relevant experience in the field of Intellectual Property as follows:

1. copyright disputes over database engine coding;
2. the distribution of digital content on global platforms, including iTunes, Spotify, Deezer and other consumer facing platforms; and
3. abusive registration of domain names

Professional Negligence

Paul has a lot of experience advising on professional negligence, particularly in the field of Financial Services.

International

Paul has been in practice as a commercial barrister for over 15 years. Prior to his call Paul qualified as a solicitor (Eversheds – 1996) and a Solicitor-Advocate (2001). His first degree gives him helpful technical and practical knowledge of disputes involving engineering.

Paul has been involved in the following cases with:

Denmark: arbitration (rights of audience granted before settlement reached), Dubai (DIFC) – UK based associate of court advocate, India – defending a client with novel internet software, Egypt – property rights dispute.

Awards



Memberships

- Midland Chancery and Commercial Bar Association (MCCBA)
- Birmingham Law Society – Dispute Resolution Committee (former member)

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Qualifications

- Whitgift School, Croydon
- 1991: BSc (Hons) Manufacturing and Material Science – 1st class
- 1993: PGDL (Nottingham Law School)
- 1994: LPC (Nottingham Law School) – commendation
- 1996: Solicitor
- 2001: Solicitor Advocate (Civil)
- 2001: Called to the Bar (Inner Temple)

Notable Cases

Nautch Ltd and Others v Mortgage Express and Walker Singleton (Property Management) Ltd [2012] EWHC 4136 (Ch)

Acted for 20 claimants (forming a buy to let property portfolio) in a trial concerning the lawfulness of the appointment of LPA receivers. Established a breach of equitable duty to the borrower (cf. lender). Costs order approached globally, despite there being 20 individual claimants (but with common ownership).

Mortgage Express v Loi and Loi [2011] EWHC 4048 (Ch)

A declaratory relief for subrogated rights arising from negligent conveyancing on a remortgage of a freehold title which overlooked the existing of a lease.

Earles v Barclays Bank plc [2010] Bus LR 566

Want of authority case. Mr Earles lost. However, the bank's costs order was reduced by 50% for failing to provide e-disclosure properly. No adverse inference made as there was no evidence of deliberate spoliation.

Publications

- Recovery magazine (R3)
- Case summaries (2015)
- Corporate Rescue and Insolvency
- In Practice – "Proving solvency: consolidated accounts and the wisdom of hindsight?" Vol 7(6) [245] (Dec 2014)
- Insolvency Intelligence:
- Case note – "Re: Safehosts (London) Ltd [2013] BCC 721 (provisional liquidation instead of administration)" (March 2011).
- Birmingham Law Society Bulletin:
- "E-disclosure update" (March 2011)
- Chambers' newsletters:
- "The hazards of insurance law" (Winter 2007 – Issue 3)
- "E-disclosure – adverse costs" (Spring 2010- Issue 7)
- "E-Disclosure – update (the new practice direction)" (Spring 2011 – Issue 8)
- Partnership law: "Accounts and inquiries – how to achieve an equal footing" (2013)

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Interests

Pre 2006: playing rugby, travelling, scuba diving, certain wines and DIY, Post 2006: parenting, thinking about the above and IPA.

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