

Joshua Swift

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Joshua is an senior associate in the litigation and arbitration team.

He is experienced in dealing with complex and high-value international and domestic disputes. His practice is wide-ranging, which gives him a good perspective from which to provide commercial advice to his clients. He has substantial experience in professional negligence matters, acting for the Bar Mutual and its insureds in relation to negligence claims against barristers, including top QCs. He also acts regularly for Claimants in professional negligence claims primarily against solicitors in a wide-variety of scenarios including negligent trust drafting, lost litigation claims, negligent property advice and negligent commercial advice/contract drafting.

Joshua's commercial litigation practice often includes elements of insolvency and/or commercial fraud. Joshua regularly acts for officeholders pursuing claims available to them, often against former directors. He has advised on multiple high-value claims which often involves obtaining, and resisting, freezing orders, information orders and other ancillary injunctive relief.

He also has extensive experience in banking and financial litigation claims. He has acted against all the major high-street banks on derivative misselling claims, including complex FX instruments. He also advises some of Withers' institutional clients in pursuing and defending similar claims.

His experience also includes tax litigation, having litigated against HMRC in the First and Upper Tier Tax Tribunals and the Court of Appeal.

Track record

Bar Mutual Indemnity Fund

Acting for the Bar Mutual Indemnity Fund and its insureds in relation to multiple professional negligence actions against barristers, including Queen's Counsel, usually following earlier complex litigation.

Professional negligence

Acting for a barrister in a professional negligence claim in relation to complex trust proceedings and alleged negligent drafting.

Negligent employee share scheme

Acting for a property company in relation to its claims against its solicitors for the drafting of an allegedly negligent employee share scheme.

Negligence disputes against solicitors

Advises various claimants in professional negligence disputes against solicitors in claims involving allegedly negligent trust drafting, loss litigation claims, property matters and business sale disputes.

Rogue director of insolvent company

Acting for officeholders in pursuit of a rogue-director of an insolvent company, obtaining multiple freezing orders and information disclosure orders.

Property development schemes fraud

Acting for a high-net worth individual in relation to investments UK property development schemes involving widespread allegations of fraud and misrepresentation and a freezing order.

Recovering of debts for large banks

Acting for a number of large banks in their pursuit of a wealthy businessman to recover debts payable pursuant to personal guarantees, including successfully resisting an application to set aside a statutory demand (and successfully resisting two appeals), and successfully presenting a bankruptcy petition.

Swap misselling dispute

Wainford Holdings Limited v RBS: Acting for a property developer in a swap misselling dispute with Royal Bank of Scotland PLC

Sale of interest rate swaps disputes

Acting in numerous high profile disputes relating to the sale of interest rate swaps and other derivatives.

Insolvent travel company

Acting for the office-holders of an insolvency travel company regarding complex FX products.

Clearing house

Acting for a clearing house on multiple contentious financial disputes (both as claimant and defendant)

Financial Ombudsman Service complaint

Advising on a Financial Ombudsman Service complaint against a financial adviser regarding pension advice.

HMRC enquiries

Acting for a successful businessman in relation to various HMRC enquiries and related tax tribunal and Court of Appeal proceedings.

Recent recognition



Education

Durham University, B.A. (Hons) Politics

Languages

English

Key dates

Year joined: 2014

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