

# John Brennan

Call: 1996

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## Commercial Fraud & Asset Tracing Profile

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John's reputation in the field of commercial fraud is based upon the experience he gained in the Crown Court in the early days of his practice and the breadth of his civil litigation practice. He seeks to combine an understanding of human nature and knowledge of the technical requirements of the law. He is often instructed in cases that feature death or insolvency. He has a particular interest in claims involving allegations of breach of trust, breach of fiduciary duty and undue influence.

## What-the-Directories-Say

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- "He's very, very clever, agreeable and pleasant. A future silk if there ever was one.", "He is able to deal with very complex matters and get right to the heart of the issue. He's very good with clients and is able to explain complex matters in an easily understandable way.", "He has a very good court manner, a very extensive vocabulary and a very good turn of phrase. He is a natural on his feet. His advocacy makes him stand out; he's got this sort of common touch and has the ability to spin a perfect phrase to sum up a case.", "He is a very good chap - very busy and very successful.", "Very client-friendly.", "An experienced advocate.", "He is very sensible and a real hard worker, with excellent attention to detail." and "John is an exceptional advocate." - Chambers UK 2019
- "He communicates well with clients." - Legal 500 2019
- "John's very solid and very experienced; sort of the ultimate safe pair of hands. He's a strong intellectual lawyer." "He's good at turning himself to a mixture of work." "He's very intelligent, methodical, thorough and charming, as well as being a persuasive and determined advocate." "Highly collaborative in style and very competent technically. An excellent trial advocate." "He's extremely thorough and very helpful, while being very responsive and always making himself available. His knowledge of the law is remarkable at times and he is always very clear and precise in his position." "He's very easy to work with and very user-friendly. He's very good at analysing the detail in complex situations." "He is very responsive and has tremendous client-handling skills." Chambers & Partners (2018)
- "A strong and determined negotiator." Legal 500 (2017)

- "John is excellent; his tenacity is unrivalled." "He is brilliant, very thorough and methodical with his work." "Formidably hard-working and clever, he's an astonishingly able researcher of the law and has extremely reliable judgement." "Excellent, incredibly intelligent, he gets straight to the point and gives you straightforward advice." "He is very approachable, very helpful and very user-friendly." "He is very good on his feet." "Very responsive with tremendous client-handling skills." Chambers & Partners (2017)
- "He has a great bedside manner with clients." Legal 500 (2016)
- "He is robust on his advice and he is very thorough and good as an advocate." "He is not someone who will back down or give guarded opinions and is very good with difficult cases." "He is a tenacious advocate who is extremely good on his feet; a good personable counsel." Chambers & Partners (2015)
- "Methodical, tenacious and thorough in his preparation." "He has the advantage of always appearing to be in complete control; he's always calm, cool and collected." Chambers & Partners (2014)
- "A delight to deal with." "He's just fantastically clever and very user-friendly." "A persuasive advocate." "An extremely good analytical lawyer." Chambers & Partners (2013)
- "Very intelligent, methodical, thorough and charming." Legal 500 (2011)
- "Hailed as a 'future star.'" "Fearsome intelligence, charm, thoroughness and excellent communication skills." Chambers & Partners (2011)
- "Demonstrates "great intellectual ability and skill in court." Legal 500 (2010)
- "Has a vast knowledge of commercial law and great intellectual capability ... and he has 'a real ability to develop a clever line of questioning'... sources believe he will be 'a really big hitter in the future.'" Chambers & Partners (2010)
- "Great for contentious matters, applying a light touch to situations." Chambers & Partners (2009)

## Recent-Experience

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- John recently appeared for a lender as junior counsel in the Court of Appeal. It sought to recover the losses it sustained in a re-mortgage transaction by means of a breach of trust claim against its solicitor.
- John appeared for the same lender as junior counsel in a case in the High Court in which it proved that a guarantee and sundry personal loan agreements were enforceable notwithstanding the guarantor / borrower's allegation that her consent to enter into it had been procured by undue influence.
- John successfully invoked section 423 of the Insolvency Act 1986 in a High Court case in order to unravel a transaction that had been entered into shortly before an earlier case between the same parties came on for trial in order to place property beyond the claimant's reach.
- John appeared as junior counsel on behalf of a SME in which the Office of Fair Trading sought, amongst other things, to restrain certain unfair commercial practices and to obtain a declaratory ruling as to the enforceability of long-term gym membership contracts.

## Reported-Cases

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- AIB Group (UK) Plc v Mark Redler & Co (A Firm) - [2012] EWHC 35 (Ch); [2012] P.N.L.R. 16 - Professional Negligence (breach of trust; undue influence; mortgages; solicitors' powers and duties)
- Davies v AIB Group (UK) Plc [2012] EWHC 2178 (Ch); [2012] 2 P. & C.R. 19 - Banking (Guarantee agreements; Loan agreements; Undue influence)
- Office of Fair Trading v Ashbourne Management Services Ltd [2011] EWHC 1237 (Ch); [2011] E.C.C. 31; [2011] C.T.L.C. 237 - Consumer Law (Consumer credit agreements; consumer protection; credit reference agencies; unfair commercial practices; unfair contract terms).
- Kelly v Hussain [[2008] EWHC 1117 (Ch) - Company Law (Conduct; directors; Dismissal; Exclusion; Petitions; Shareholders; Unfairly prejudicial conduct)
- Micro Design Group Ltd v Norwich Union Insurance Ltd [2005] EWHC 3093 (TCC); [2006] Lloyd's Rep. I.R. 235 - Insurance (fraud)
- Knight v Haynes Duffell Kentish & Co [2003] EWCA Civ 223 - Professional Negligence; Equity (breach of trust; interest)

## Specialist-Areas

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John Brennan is a member of the following specialist practice groups where detailed CV's can be viewed by clicking on the links below:

- General Commercial
- Banking & Financial
- Commercial Fraud
- Professional Liability
- Property
- Restraint of Trade
- Wills, Trusts & Probate

## Qualifications-and-Appointments

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- BA Hons (Modern History, First Class), Jesus College, Oxford
- MA (Oxon)
- Mansfield Scholar, Lincoln's Inn

## Professional-Associations

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- Chancery Bar Association
- Midland Chancery and Commercial Bar Association