

## DARRAGH CONNELL

CALL: 2012



### OVERVIEW

Darragh is a much sought-after commercial barrister combining approachability with sensible, pragmatic advice and effective advocacy.

He has a busy commercial litigation practice with specific emphasis upon insolvency and asset recovery, civil fraud, contractual disputes and company law.

Darragh is at the forefront of developing the law in respect of cryptoassets and in respect of which he has been consistently ranked in Band 1 of Chambers UK Bar directory. He has appeared in many significant cases in this area, including *AA v Persons Unknown* [2019] EWHC 3556 (Comm), [2020] 4 W.L.R. 35, [2020] 2 All E.R. (Comm) 704 where the Commercial Court held that digital assets such as Bitcoin could constitute property for the purposes of English law.

He is frequently instructed in the Business and Property Courts in respect of complex claims concerning transactions at undervalue, breaches of directors' duties and shareholder disputes.

Prior to joining the Bar, Darragh worked for Goldman Sachs in London where he was involved in benchmark debt and equity capital markets transactions. His background brings particular understanding of financial businesses and products.

### EXPERTISE

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## CIVIL FRAUD

Darragh is very experienced in obtaining and resisting injunction applications in the context of civil fraud proceedings. He has appeared in a range of notable cases concerning freezing orders and proprietary injunctions.

He has specific expertise in respect of cryptoassets where he is consistently ranked in Band 1 of Chambers and Partners UK Bar.

Combining his insolvency expertise, Darragh is instructed on a range of asset recovery matters often with cross-jurisdictional issues.

He often works as part of a larger legal team on substantial fraud disputes.

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## INSOLVENCY & ASSET RECOVERY

Darragh has extensive experience of contentious insolvency matters.

He is regularly instructed by office holders, creditors and individuals to appear before the Insolvency and Companies Court in claims against directors for misfeasance arising from breaches of statutory and fiduciary duties. He has acted in insolvency applications involving transactions at an undervalue, preferences and transactions to defraud creditors contrary to section 423 of the Insolvency Act 1986.

Notable cases in which Darragh has been instructed, including *Chandrasekaran v Fisher* (a challenge to the appointment of administrators), *In the matter of AFM (1932) Limited [2021] EWHC 3460 (Ch)* (impugned transactions involving a BVI registered company), *In the matter of Wow Internet Limited [2020] EWHC 2890 (Ch)* (a misfeasance claim against a sole director) and *In the matter of Care Community Limited [2020] EWHC 3350 (Ch)* (a misfeasance claim against a *de facto* director).

Darragh is an insolvency law expert contributor for Lexis Nexis PSL.

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## CRYPTOASSETS

Darragh is at the forefront of the developing law in relation to cryptoassets. He is ranked in Band 1 of Chambers and Partners UK Bar for Cryptoasset Disputes. He has appeared in a number of high-profile cryptoasset cases before the English High Court often in the context of civil fraud.

Darragh is recognised as a specialist in crypto asset recovery and he is frequently asked to speak at international and domestic conferences. He is a member of the Crypto Fraud and Asset Recovery network (CFAAR). He was a co-contributor to the joint COMBAR/Chancery Bar Association submission to the Law Commission consultation on Digital Assets.

Notable instructions include:

- **AA v Persons Unknown** [2020] 4 W.L.R. 35, [2020] 2 All E.R. (Comm) 704 (Bitcoin held to be property for the purposes of English law),
  - **D'Aloia v Persons Unknown** (claim concerning alleged liability of cryptoexchanges which also involves service of proceedings by NFT)
  - **Law v Persons Unknown** (claim concerning fraudulent crypto trading platform which resulted in obtaining an order requiring delivery up of USD Tether).
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## COMMERCIAL LITIGATION & ARBITRATION

Darragh appears in the High Court in commercial disputes representing an array of clients including liquidators, investors, directors, shareholders, companies and independent financial advisers.

He has acted in contractual disputes concerning international sale and distribution contracts, share purchase agreements, agency contracts, guarantees, bonus/commission arrangements and joint venture agreements.

He often works as part of a larger legal team on substantial disputes.

Darragh was appointed as a Guest Teacher in the Department of Law at the London School of Economics for the academic year 2019/2020, teaching advanced Commercial Contract Law.

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## COMPANY & PARTNERSHIP

Darragh is frequently instructed to advise on aspects of company law ranging from disputes between shareholders, to breaches of directors' duties and the interpretation of share purchase agreements.

He advises clients in respect of unfair prejudice petitions arising from the actions and conduct of majority shareholders.

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## BANKING & FINANCIAL SERVICES

Darragh deals with a variety of banking and financial services litigation emanating from loan agreements, guarantees, derivatives, and complex financial products. His background working for Goldman Sachs makes him an effective choice in such disputes.

Darragh is familiar with the requirements of the FCA's Conduct of Business Sourcebook (COBS) and MCOBS. He has also acted in cases concerning alleged breaches of the so-called **Quincecare** duty.

Notable banking and financial services cases in which Darragh has been instructed include *O'Hare v Coutts & Co* (a dispute concerning an investment management agreement) and *McMillan Cancer Support v Barclays & Ors* (an application for a Norwich Pharmacal Order following a fraud perpetrated on the well-known charity).

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## TECHNOLOGY

## QUALIFICATIONS

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- LLM (Commercial) Gonville & Caius College, Cambridge
- BCL University College Dublin
- Barrister-at-Law Degree Honorable Society of the King's Inns, Dublin

## MEMBERSHIPS

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- Chancery Bar Association
- Commercial Bar Association (COMBAR)
- Crypto Fraud and Asset Recovery network (CFAAR)

## AWARDS

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**Senior Exhibition Gonville and Caius College, Cambridge**

**Emlyn Wade Award Gonville and Caius College, Cambridge**

**Prize-winning paper the Danish Law Society's International Rule of Law Award**

**Gold Medal for Oratory UCD Law Society**

**Swift McNeill Memorial Scholarship to the King's Inns**