

## Joanna Connolly

YEAR OF CALL: 2023

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## Practice Overview

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Joanna practices across commercial, international, and public law. She accepts instructions both as junior counsel and sole counsel and has been instructed (unled) in High Court (KBD), Circuit Commercial Court, and County Court proceedings.

Her current and recent instructions include:

- Acting for the Claimant in confidential High Court civil fraud proceedings, involving cross-border asset tracing across 10+ jurisdictions (on a team led by Nathan Pillow KC and Alexander Cook KC, instructed by Peters & Peters LLP).
- ***Swan Bitcoin v Tether Investments & Others***: Acting for Swan Bitcoin in derivative proceedings arising out of its Bitcoin mining joint venture with Tether (led by Stephen Midwinter KC, instructed by Quinn Emanuel LLP).
- ***NMCN Plc and NMCN Sustainable Solutions Limited v BDO LLP***. acting for the liquidators of NMCN and its subsidiary in proceedings concerning alleged negligence and/or breach of contract by the companies' former auditors (led Tony Singla KC and Kyle Lawson, instructed by Gateley Plc).
- Acting for investors in fraud and warranty claims arising from a private company investment (led by Tony Singla KC, instructed by Morrison Foerster LLP).

Prior to coming to the Bar, Joanna was a qualified solicitor in Australia. She studied History and Law at the University of Sydney, graduating first and fourth respectively. She holds an LLM (First Class) from the University of Cambridge, where she was awarded the WM Tapp Studentship in law by Gonville & Caius College.

Joanna has a particular interest in tech and emerging fields. She previously worked at the Law Commission of England and Wales on the Digital Assets Project, addressing legal issues arising

from cryptocurrencies including their proprietary classification and treatment in the context of freezing orders and other forms of interim relief. She conducted cases raising issues of online privacy and digital rights, including before the European Court of Human Rights, and was appointed to assist the UN Special Rapporteur on Counter-Terrorism and Human Rights in relation to surveillance technologies.

## COMMERCIAL

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Joanna has a broad commercial practice, with particular experience in commercial litigation, civil fraud, and international arbitration.

Her recent experience includes:

*Civil fraud and asset recovery:*

- Acting for the Claimant in confidential High Court civil fraud proceedings, involving cross-border asset tracing across 10+ jurisdictions, including interim asset preservation relief and ancillary applications (on a team led by Nathan Pillow KC and Alexander Cook KC, instructed by Peters & Peters LLP).
- *Swan Bitcoin v Tether Investments & Ors*: Acting for Swan Bitcoin in proceedings arising out of 2040 Energy Ltd, a Bitcoin mining joint venture with Tether. The claims, valued in the hundreds of millions of dollars, include breach of fiduciary duty, dishonest assistance, knowing receipt, breach of confidence, breach of contract and unlawful means conspiracy (led by Stephen Midwinter KC, instructed by Quinn Emanuel LLP).
- Acting for investors in fraud and warranty claims arising from a private company investment, including disputes over a conditional unwind agreement (led by Tony Singla KC, instructed by Morrison Foerster LLP).
- Acting for an applicant seeking disclosure from respondents in England and Wales pursuant to a Norwich Pharmacal order granted by the Canadian courts, in support of foreign fraud proceedings (led by Jasbir Dhillon KC, instructed by Pinsent Masons LLP).
- Acting for a defendant in proceedings arising out of the alleged 'OneCoin' cryptocurrency fraud, including applications for worldwide freezing and ancillary relief; the claims against the defendant were withdrawn in full pursuant to a confidential settlement, with a contribution to legal costs (on secondment with Enyo Law LLP).
- Acting for a claimant in relation to an alleged multi-decade fraud, including claims of bribery, breach of fiduciary duty, dishonest assistance/knowing receipt, and conspiracy (as a pupil, assisting Richard Blakeley KC).

*Commercial:*

- *NMCN Plc v BDO LLP* – acting for the liquidators of NMCN Plc in ongoing High Court audit negligence proceedings arising out of the company’s collapse (led by Tony Singla KC, instructed by Gateley Plc).
- *The Government of the Bahamas v Grand Bahama Port Authority*: acting for the Government of the Bahamas in UNCITRAL arbitration proceedings in its dispute with the concession holder of a freeport zone (led by Harry Matovu KC, Richard Eschwege KC).
- Acting for an investment entity with a substantial portfolio of motor finance claims in a proposed judicial review of the FCA’s Motor Finance Consumer Redress Scheme; the claims in issue are valued in the billions of pounds (led by Tim Lord KC, instructed by Charles Russell Speechlys LLP).
- Acting for the claimant in LCIA arbitration proceedings arising from the termination of a partnership agreement connected to a London-based private equity fund (led by Fionn Pilbrow KC).
- Acting for a leading tax and advisory firm defending a multi-million pound multi-million-pound claim in professional arising out of an allegedly deficient audit (led by Tony Singla KC).
- Acting for the petitioner in an unfair prejudice petition concerned a contested share transfer; obtained an interim injunction restraining registration of the transfer (led by Chantelle Staynings).

*Unled:*

- *Shakespeare Monofilament v Eurosaf SRL*: £1 million+ breach of contract claim concerning a contract for the supply of monofilament products, including issues under the Sale of Goods Act 1979; three-day trial in the Circuit Commercial Court (instructed by Eversheds Sutherland).
- Section 69 Arbitration Act appeal arising out of a GAFTA arbitration; High Court (KBD) (instructed by gunnercooke llp).
- Acting for a defendant in a claim alleging fraudulent and/or negligent misrepresentation arising out of a proposed share sale and company acquisition (instructed by Mishcon de Reya).
- Acting unled in a range of County Court proceedings, including trials and contested applications (strike out, summary judgment and case management).

## **PUBLIC LAW/HUMAN RIGHTS/SANCTIONS**

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Joanna has a strong background in public law. Before coming to the bar, she taught Public Law at the London School of Economics, and worked for several years in human rights litigation focussed

on online speech and digital privacy. She had conducted cases before a range of international courts and tribunals and was appointed to assist the UN Special Rapporteur on Counter-Terrorism and Human Rights in respect of surveillance technologies.

Her recent experience includes:

- Acting in an appeal to the Judicial Committee of the Privy Council concerning the scope of doctrine of absolute judicial immunity at common law and its application to inferior officers (led by Emma Mockford).
- Advising a leading NGO in respect of the UK Government's revised definition of "extremism" including consideration of relevant human rights and domestic data protections (led by Paul Bowen KC and Zahra Al-Rikabi).
- Acting for the Lord Chancellor defending a challenge to the lawfulness of the legal aid scheme implemented in respect of immigration detainees held in prison (as a pupil, assisting Malcolm Birdling).
- Acting for the National Union of Farmers in an appeal concerning the proper construction of The Welfare of Farmed Animals (England) Regulations 2007 (as a pupil, assisting Malcolm Birdling).
- Advising an individual in respect of the prospects of judicial review of a Parole Board release decision (as a pupil, assisting Jennifer MacLeod).

Joanna has specific experience in respect of sanctions compliance issues, including delisting challenges and licensing issues:

- Advising an individual in respect of compliance with sanctions regarding trust services and advice provided to brokerage clients (led by Richard Blakeley KC).
- Acting for various sanctioned persons and companies challenging their designation under UK and European sanctions laws and regulations (as a pupil, assisting Malcolm Birdling on teams led by Maya Lester KC), including SAMLAs brought pursuant to the Russian, Syria, and Belarussian sanctions regulations.
- Acting in a dispute arising out of a counter-party's failure to make payments under back-to-back sale and purchase contracts of thermal coal on the basis of the alleged applicability of sanctions (LCIA Arbitration, London seat) (as a pupil, assisting Richard Blakeley KC).

Prior to coming to the bar, Joanna also spent a year working in refugee and asylum law, including six months on a designated hot spot processing island in Greece, and six months at the UN Refugee Agency in London.

## INTERNATIONAL/EU

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Prior to coming to the bar, Joanna acted in cases before the European Court of Human Rights, African Commission on Human and Peoples' Rights, Inter-American Commission on Human Rights, and various UN Working Groups and Special Mandates. She is continuing to develop an international practice and has experience with cross border litigation and questions of international law.

Recent experience includes:

- Acting for a claimant seeking the production of documents from Respondents in England and Wales in the context of a Norwich Order issued by the Canadian Courts in foreign fraud proceedings (led by Jasbir Dhillon KC).
- Acting for a defendant seeking to discharge of a WWFO and challenge orders to serve out and for alternative service in the context of large-scale group litigation (on secondment with Enyo Law).
- Acting for a defendant resisting a WWFO application (with notice). The application raised a novel question regarding the tribunal's alleged jurisdiction to grant the relief sought (LCIA Arbitration, London seat) (as a pupil, assisting Richard Blakeley KC).
- Acting for the applicant seeking an anti-suit injunction and associated orders without notice (as a pupil, assisting Edward Harrison, on a team led by Harry Matovu KC).
- Advising in respect of an English jurisdiction and choice of law clause in the context of threatened foreign proceedings (as a pupil, assisting Richard Blakeley KC).

## EDUCATION & QUALIFICATIONS

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### Education

Master of Law (First Class), University of Cambridge | 2023

Bachelor of Law (First Class) and Bachelor of Arts (History) (First Class), University of Sydney | 2016

### Professional Experience

Tutor (Public Law), London School of Economics | 2023

Research assistant in commercial and common law, Law Commission of England and Wales (Digital assets) | 2023

Visiting Scholar (University of Minnesota) assisting the UN Special Rapporteur on counter terrorism and human rights | 2022

Legal Officer, Media Defence | 2019-2021

Legal Adviser, Samos Refugee Law Clinic; and the UN Refugee Agency | 2018

Judicial Assistant to the Hon Justice A Meagher, Court of Appeal (New South Wales, Australia) | 2017

Professional Qualifications

2023: Called to the bar of England & Wales

2017: Qualified as a solicitor in New South Wales, Australia

Scholarships and Prizes

John and Sophie Laws Scholarship (Bar European Group)

WM Tapp Studentship in Law (Gonville & Caius Collage, Cambridge)

University Medal in History (ranking first overall) (University of Sydney)

Outstanding Academic Achievement Scholarship (University of Sydney)

University Blue in Debating (University of Sydney)

## **PUBLICATIONS**

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Joanna Connolly, 'The right to erasure: comparative perspectives on an emerging privacy right', (2020) 46 ALJ 1.