

Lisa Linklater

Call 1995



Clerks' Details

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Appointments

- Accredited Mediator (CEDR)
- Attorney General's Regional Panel of Counsel (2000 – 2018)

Memberships

- Chancery Bar Association
- R3 fellow (association of business recovery professionals) (full member)
- Northern Chancery Bar Association
- Insolvency Lawyers' Association (full member)
- North Eastern Circuit

Education

- MA Cantab (Law), University of Cambridge (Jesus College), (Class II:i)
- Inns of Court School of Law, London (Very Competent)
- The Honourable Society of the Inner Temple

Commercial CV

Overview

Lisa is a leading barrister in Commercial Chancery cases whose practice continues to go from strength to strength.

Recommended by Legal 500 UK Bar 2018/19 as “*impressive in court; a force to be reckoned with*”, Lisa combines excellent practical skills and technical knowledge with commercial acumen, an approachable manner and high-quality service.

Praised by Chambers & Partners UK Bar 2019 for being “*persuasive in court and excellent on complex legal problems*”, Lisa brings a wealth of experience in advising and representing a diverse range of companies, individuals and Government departments (having been Junior Counsel to the Crown for 18 years).

Lisa is a popular choice as Counsel for advocacy, advice and drafting in disputes in the High Court in the following practice areas:

- Shareholder disputes;
- Corporate and personal insolvency;
- Directors' and trustees' duties and related claims;
- Contractual disputes;
- Secured lending disputes;
- Commercial litigation (equitable remedies including injunctions, confidential information, agency, conversion, nuisance, conflict of laws, commercial fraud and professional negligence);
- Partnership, joint venture and LLP disputes;
- Proprietary estoppel claims (particularly relating to farms);
- Real property and trusts;
- Public interest winding up petitions, directors' disqualification and tax-related litigation.

Recent highlights of Lisa's practice include:

- Successfully securing a settlement of just under £1 million for a shareholder in unfair prejudice petition proceedings involving a company specialising in niche pipeline product supplies.
- Acting for House of Fraser/Sports Direct in defending emergency delivery up proceedings relating to items in House of Fraser Stores.
- Regularly acting for office holders and directors in misfeasance proceedings for breaches of directors' duties, including a successful claim against a *de facto* director.
- Representing a Yorkshire Fastest 50 company in defending a claim brought by a commercial agent for in excess of £2.5 million in alleged unpaid commission.
- Representing a partner in a family farming partnership in a dispute involving an enviable Yorkshire Wolds arable farm valued in excess of £6 million.
- Representing the Claimant in a substantial claim of over £1 million for breach of warranties in a share purchase agreement involving a wind farm in Scotland. The case settled before a 10 day trial and following a high profile appeal involving disclosure of privileged documents by the Defendant ***Atlantisrealm Ltd v Intelligent Land Investments (Renewable Energy) Ltd*** [2017] EWCA Civ 1029, [2017] C.P. Rep. 39.
- ***Re Graico Property Co Ltd*** (in administration) [2017] BCC 15 (Norris J) (Leeds District Registry) Acted for administrators on a precedent case of practical importance for insolvency practitioners as to the scope of the court's powers when ending administration.

Lisa is also a member of the advisory board of the Centre for Business Law and Practice at the University of Leeds.

Recommendations

DIRECTORIES

“She is knowledgeable, persuasive in court and excellent on complex legal problems.”
“She is thorough, methodical and an excellent all-rounder.”

Chambers and Partners 2019

“Imperturbable and impressive in court; a force to be reckoned with.”

The Legal 500 2018/19

“Lisa is extremely methodical, she goes through everything in great detail. She really gets to the nub of every issue.” “She’s a very good advocate as well as being approachable. She puts clients at ease and is good at speaking to people.”

Chambers and Partners 2018

“She puts clients at ease and gains their confidence.”

The Legal 500 2017

“An experienced junior frequently instructed in the full range of personal and corporate insolvency cases”

Chambers and Partners 2017

“She is extremely commercial and practical, and has a good rapport with clients.” “Lisa Linklater is an experienced Chancery practitioner with extensive expertise in corporate, civil fraud and insolvency cases.”

The Legal 500 2016

“Experienced advocate with a broad client base ... She’s very good and very thorough - you never feel like she’s going into something unprepared.”

Chambers and Partners 2016

TESTIMONIALS

“Your clarity of thinking and leadership was much appreciated” Insolvency Practitioner Client, 2019

“Thank you for your focussed and effective advocacy” Government lawyer, 2018

“I could not have asked for a better legal team than [solicitor’s firm] and Lisa Linklater” client following mediation, 2017

“This was a fantastic result” Managing director and commercial dispute resolution solicitor, 2016

“Your expert presentation of the case to the court was exceptional” Partner and head of Commercial Dispute Resolution Department following trial in 2016

Publications

Member of the editorial board of “The Company Lawyer” (Sweet & Maxwell) from 2001 – 2007, regularly contributing editorials on company, finance and insolvency topics.

Co-author of “Rider, Alexander, Linklater & Bazley: Market Abuse and Insider Dealing” (2nd ed, Tottel Publishing).

Latterly member of the editorial advisory board of “The Company Lawyer” (Sweet & Maxwell).

Beyond the Bar

Music, theatre and current affairs. Lisa is fluent (conversational) in French and German.

Cases

In addition to the above recent highlights, the following are further illustrations of Lisa's experience:

SHAREHOLDER DISPUTES

Lisa has a very strong practice in shareholder disputes, built from extensive experience and repeat instructions in this area.

- Currently acting for director/shareholder, alleged to have diverted contract for supply of materials for construction of flood defences in North Yorkshire, in defending derivative action and related claims to land owned by the director/shareholder. The trial is listed for 8 days in 2019 (High Court, Leeds).
- Successfully advised and acted for shareholders in valuable crowd-funded property development company in Cheshire in realising their investment by just and equitable petition (2018).
- Lisa represented majority shareholders in a highly charged 8 day unfair prejudice petition trial before HHJ Klein sitting as a High Court Judge. The trial involved three companies that sold socks to High Street retailers. Lisa succeeded in obtaining the dismissal of almost all allegations of unfair prejudice against her clients and significantly reducing the valuation alleged by Petitioners from well in excess of £1.2 million to just over £600,000 (2017) (High Court Leeds).
- Advised and represented an equal corporate shareholder of a special purpose company whose business was to install and operate a wind turbine on a remote island in Scotland in just and equitable petition and alleged breach of shareholders' agreement (HHJ Kaye QC sitting as a High Court Judge) (2016) (High Court, Leeds).
- Lisa successfully acted for the Claimant in obtaining just under £1 million in a contractual dispute between equal shareholders in companies with the benefit of options to develop land for housing in North Yorkshire. The case settled on the first day of a 7 day trial in the Chancery Division before HHJ Behrens sitting as a High Court Judge (2015) (High Court, Leeds).
- Successfully acted (with Mark Cawson QC of Exchange Chambers) for a minority shareholder in a major print business in Yorkshire, obtaining a share sale order by an unfair prejudice petition (2013) (High Court, Leeds).

CORPORATE AND PERSONAL INSOLVENCY

Lisa has been recommended as a leading barrister in insolvency in legal directories for many years. She continues to be a very popular choice for a variety of instructions in both corporate and personal insolvency. Further detail is included in Lisa's insolvency website entry.

- Assisting liquidator in claims of over £1 million against directors for breaches of their duties and wrongful trading where complex limitation issues arise (2018 – 2019).

- Advising respondent to alleged claims of misfeasance valued at over £4.5 million by the liquidator of a limited liability partnership (2018 – 2019).
- Acting for defendant directors and parent company in obtaining an early and favourable settlement of threatened claim by liquidators for breaches of directors' duties, unlawful dividends and transfer of assets at an undervalue, valued at over £1 million (2018).
- Obtaining an income payments order of in excess of £500,000 for trustees in bankruptcy in a bankruptcy involving complex financial dealings (2018).
- Successfully obtaining settlement for Defendants to serious claims of knowing assistance, knowing receipt and related tracing claims, brought by a company registered in Gibraltar, acting by its liquidators where the claims and costs were in excess of £1 million. The case settled at the court door (2017) (High Court, Manchester).
- Successfully representing a former multi-millionaire, made bankrupt following his participation in an aggressive tax scheme, in opposing an application by his trustee in bankruptcy to suspend his discharge from bankruptcy on grounds of alleged failure to cooperate (2015).
- **Pettit v Novacovic** [2007] BCC 462 (Norris J) Succeeded in obtaining payment from agent who had received monies, post-bankruptcy, distinguishing *Hollicourt (Contracts) Ltd v Bank of Ireland* in bankruptcy context. Acted on behalf of office holder.
- **Re Johnson** [2006] BPIR 987 (HHJ Roger Kaye QC) Represented Official Receiver in precedent case on application by discharged bankrupt for an annulment.

DIRECTORS' DUTIES AND OTHER FIDUCIARIES

Lisa has a very strong practice in directors' duties, both in shareholder disputes and claims against directors in liquidations and administrations, examples of which are set out above. She has considerable depth of experience in directors' disqualification claims, including those involving commercial fraud (see Government litigation below).

CONTRACTUAL DISPUTES

Lisa has a very busy practice in contractual disputes in which her commercial acumen and attention to detail are valued. She has particular experience in share sale and business disputes.

- Currently advising and acting for public sector client in connection with termination of contract (2019).
- Successfully acted for sellers of shares in claim against purchasers for breach of share purchase agreement involving a company providing car repair services for insurers. Case settled before issue of proceedings (2017).
- Lisa successfully acted for a major commercial landscaping company in obtaining settlement of a claim of just under £1 million in the Mercantile Court against a local authority. The claim was for breach of a public sector contract relating to groundworks in parks, schools and other amenities under the control of the local authority (2015) (High Court, Leeds).
- Successfully defended seller of shares in claim for alleged breach of warranties in a

share sale agreement relating to a debt collection company in a case involving complex forensic accounting issues on the issue of liability (2015) (High Court, Birmingham).

COMMERCIAL LITIGATION

In addition to the cases noted above, Lisa has a wealth of experience in acting for a range of businesses in a variety of commercial disputes.

- Representing company that bought a pharmaceutical business from a company in administration in claims brought by the administrators that the terms of the business sale agreement have been breached (2017) (High Court, Manchester).
- Successfully defended a leading Cheshire restaurant business at a 5 day trial in Manchester in claims by a residential neighbour seeking to close the restaurant on grounds of alleged noise and smell nuisance and breach of restrictive covenant (2016) (Manchester).
- Successfully defending injunctive relief proceedings brought by a major manufacturer of bed products that had purchased a portfolio of properties from administrators in a “fire sale” and obtaining a favourable settlement of claim before a six day trial. The claim centred on allegations of civil fraud and was related to high profile criminal proceedings relating to the premises (2016) (HHJ Behrens sitting as a High Court Judge, Leeds District Registry).
- Successfully obtained freezing order for leading travel company, based in Yorkshire (2015) (HHJ Saffman sitting as a High Court Judge, Leeds).
- Advised and represented leading household name in the energy sector in dispute relating to power station in the North West (2015)(High Court, Manchester).
- Obtained injunction on behalf of an academy in West Yorkshire to help secure pupils and employees following violent threats by a pupil (2014).
- **Close Asset Finance Limited v B & ors:** Defended application for repossession of specialist machinery, used to make medical milk for export pursuant to licence, and subject to hire purchase agreements, brought by finance house. The first hearing of the application settled, preserving use of machinery for client during administration (2015) (HHJ Kaye QC sitting as a High Court Judge, Leeds District Registry).
- **Oxford RFS v AP & ors** (2013) (Briggs J) Successfully obtained an interim injunction on behalf of a company against a former employee restraining use of confidential information and records taken in a developing technology in the energy sector and subsequently successfully settled claim.
- **Paragon Mortgages Ltd v MP** [2011] All ER (D) 65 (David Steel J) Acted for borrower in multi-million pound claims under guarantees and on personal mortgages of buy to let properties in Leeds where LPA receivers had been appointed.
- **Lowes v W Machell Joinery Ltd** [2011] EWCA Civ 794, [2012] 1 All ER (Comm) 153 and [2011] EWCA Civ 798 (Rix LJ, Lloyd LJ and Lewison J) Whether a staircase was unfit for purpose under the Sale of Goods Act 1979 due to non-compliance with Building Regulations and the extent to which new points may be taken on appeal and costs consequences.
- **GE Money Home Lending Ltd v H C Wolton & Sons Ltd (t/a Wolton Chartered Surveyors)** [2010] All ER (D) 116 (May) [2010] PNLR 28 (HHJ Behrens) Whether or not

claim form in professional negligence proceedings could be amended in respect of name of one of the parties outside limitation period.

- **Michael Gerson (Leasing) Ltd v Loach and others** [2002] All ER (D) 147 (Jul) (Court of Appeal) (Pill LJ, Robert Walker LJ and Sir Martin Nourse) Succeeded in appeal on issue of construction of chattel leasing agreement.

PARTNERSHIP AND LLP DISPUTES

Lisa has depth of experience in partnership and LLP disputes between farmers, solicitors and doctors and is being instructed on increasingly complex and high value disputes.

- Representing a partner in a family farming partnership in a dispute with assets valued at in excess of £2 million (2018).
- Advising a liquidator of a LLP in respect of recoveries against members (2017) (London).
- Defending claim brought against retired partner of a partnership between solicitors based on construction of retirement deed (2016).
- Acting for finance director of solicitors' limited liability partnership in dispute as to whether or not he is a "good" or "bad" leaver and can reclaim capital introduced (2016).
- Acted for doctor in a partnership in respect of liabilities for shared expenses of the medical practice (2015).

REAL PROPERTY AND TRUSTS

Lisa has practised in real property and trusts for over 20 years. In 2018 she acted on proprietary estoppel claims relating to farms worth £2 million and £6 million respectively. She continues to be regularly instructed in real property matters, particularly in an insolvency context. Further details are on Lisa's property website entry.

GOVERNMENT LITIGATION

Lisa acted as Junior Counsel to the Crown for 18 years, regularly acting for Government departments, particularly the Insolvency Service in directors' disqualification and public interest winding up petitions and HM Revenue and Customs in relation to tax, including MTIC fraud.

- Acting for HM Revenue and Customs in a precedent Missing Trader Intra Community ("MTIC") case where the frauds have taken place "downstream" in other Member States (to be listed for 4 days) (2019) (Birmingham).
- Represented HM Revenue and Customs in First Tier Tax Tribunal in precedent case in respect of VAT treatment of bicarbonate of soda, sold in tubs in baking aisles **Phoenix Foods Limited** [2018] UKFTT 18 (TC).
- Lisa successfully acted for the Secretary of State for Business, Energy and Industrial Strategy in winding up numerous companies in the public interest that had been involved in commercial fraud.
- Successfully representing the Official Receiver in both the Crown and High Court in

connection with civil proceedings arising from a criminal investigation into the storage and sale of non-duty paid goods and associated money laundering activity (2015) (High Court, Birmingham and Birmingham Crown Court).

- **Savidis v HM Revenue and Customs Commissioners** [2015] UKFTT 239 (TC); [2015] S.T.I. 1938 Lisa successfully represented HM Revenue and Customs in appeal against decision refusing to repay VAT charged on two importations by the appellant of 1000 US Silver Eagle One Dollar coins (500 on each occasion).
- Lisa successfully acted for the Secretary of State for Business, Innovation and Skills in obtaining the disqualification of both a managing and other director of companies which had been involved in an intricate MTIC VAT fraud, involving complex facts: **Secretary of State for Business, Innovation & Skills v Khan & Warry** [2014] EWHC 1381 (Ch).
- **ICS (UK) Ltd v HM Revenue and Customs** (2013) and **Church Lane Developments Ltd v HM Revenue and Customs** [2013] UKFTT 469 (TC) Successful in two MTIC VAT fraud appeals on behalf of her client in the First Tier Tax Tribunal, one involving a new variant of this type of fraud and the other for a sum in excess of £1 million.
- **Shaw v Revenue and Customs Commissioners** [2007] STC 1525 (Lindsay J). Successfully responded to appeal against Commissioners' decision to exclude credit for input tax on purchase of motor car by sole trader.