

## Lisa Linklater

Call 1995



### Clerks' Details

 Ian Spencer  
 0113 203 1971

 Nicole Haigh  
 0113 203 1975

### Appointments

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

### Memberships

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

### 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

### Insolvency CV

#### Overview

Lisa has an excellent reputation in insolvency and company law and related litigation. She has been recommended in insolvency in legal directories for many years.

Lisa is praised by Chambers UK Bar 2020 as “*unflappable, extremely well prepared and an excellent advocate who is as strong on her feet as she is on paper*” and by Legal 500 UK Bar 2020 as “*very highly regarded lawyer and advocate*”.

Recent highlights of Lisa's insolvency practice include:

- **Northgate Lighting Limited v Brite Source PTE Limited:** Acted for Singaporean company in disputed winding up petition relating to lighting supplies valued at \$2.2 million worth of supplies. (2019).
- **Laurence Bassini v Burnden Leisure Limited (in administration) & ors:** Successfully acted for the administrator of the holding company of Bolton Wanderers football club in obtaining indemnity costs following an unsuccessful application for an injunction. (2019).
- Currently acting for the defendants to a £5 million misfeasance claim brought by the liquidators of an Isle of Man partnership.
- 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.
- Successfully acting for the liquidator in a claim against a *de facto* director for breach of directors' duties.
- Obtaining an income payments order of in excess of £500,000 for trustees in bankruptcy in a bankruptcy involving complex financial dealings.

- Acting in the contested administration application in respect of VE Interactive Ltd, which was reported in the Financial Times and is connected with the case of **Re Ve Interactive Ltd (in administration); Ve Vegas Investors IV LLC and others v Shinners and others** [2018] EWHC 186 (Ch)
- Advising on technical issues arising following a pre-pack sale of 40,000 individual voluntary arrangements.
- **Re Graico Property Co Ltd** (in administration) [2017] BCC 15 (Norris J). 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 brings a wealth of experience in advising and representing a diverse range of stakeholders (insolvency practitioners, creditors, directors and Government departments, having been Junior Counsel to the Crown for 18 years) in all aspects of corporate and personal insolvencies including:

- Administrations
- Liquidations
- Misfeasance and directors' duties generally
- Bankruptcy
- Transactions at an undervalue
- Preferences
- LPA Receiverships and other security enforcement
- Voluntary arrangements
- Wrongful and fraudulent trading
- Real property and trust issues in an insolvency context
- Cross-border insolvency
- Directors disqualification
- Public interest winding up petitions

She is a fellow of R3 and full member of the Insolvency Lawyers' Association.

In 2015 she was appointed as a member of the prestigious expert advisory group on a project on Security Rights & the European Insolvency Regulation, a partnership between the University of Leeds and other leading universities.

## Recommendations

### DIRECTORIES

“She is unflappable, extremely well prepared and an excellent advocate who is as strong on her feet as she is on paper.”

“She is a very astute barrister with excellent commercial acumen. Her judgement is always spot-on and she is decisive in even the most complicated scenarios.”

**Chambers and Partners 2020 (Chancery)**

“She is brilliant technically, great on her feet and her written work is really good.”

“Gets to the heart of the details and is very thorough. She really fights her client’s corner and is dogged and robust in her approach.”

**Chambers and Partners 2020 (Restructuring/Insolvency)**

“Very highly-regarded both as a lawyer and as an advocate.”

**The Legal 500 2020 (Tier 1)**

“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**

### TESTIMONIALS

“Lisa is very much a team player. She is very diligent, unflappable and measured in her submissions” Stuart Frith, Partner - Restructuring and Insolvency, Stephenson Harwood LLP (2019)

“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, further illustrations of Lisa's experience in insolvency in previous years is as follows:

### CORPORATE INSOLVENCY

#### LITIGATION AND CONTESTED INSOLVENCY PROCEEDINGS

*Lisa is frequently instructed as Counsel in corporate insolvency litigation and contested insolvency proceedings in the Insolvency and Companies Court. She has a very strong practice in directors' duties, built from repeat instructions in this area and from having acted as Junior Counsel to the Crown for 18 years in directors' disqualification claims.*

- 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).
- Advising and assisting liquidators of a company that had supplied luxury coaches in obtaining substantial recoveries in claims under section 127 of the Insolvency Act 1986 (voidable transactions) (2015 – 2018).
- Successfully obtaining settlement for liquidator of claims of unlawful dividends and misfeasance against directors (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 obtaining winding up order of company owning valuable Wagyu cattle and at the centre of dispute between shareholders (2017).
- 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).

#### APPLICATIONS/TECHNICAL ISSUES

*Lisa continues to be first choice Counsel for many leading firms on technical and often unusual issues arising in liquidations and administrations, as well as contested administration applications and winding up petitions.*

- Representing administrators of a limited liability partnership in the agriculture sector in applications to make a distribution to unsecured creditors (2018).

- Represented the liquidator of a company with valuable property and related to a members' club affiliated with a political party, in novel application for directions raising numerous precedent issues (2016) (HHJ Kaye QC sitting as a High Court Judge) (Leeds District Registry).
- Advised public sector stakeholders in the Insolvency Rules on consultation on the amendment of the Insolvency Rules (2011).
- Lisa acted for the owner of Valley Parade in respect of issues arising from the Company Voluntary Arrangement of Bradford City Football Club over a decade ago.

## PERSONAL INSOLVENCY

*Lisa regularly undertakes litigation in relation to bankrupts, particularly those of previously high net worth and where precedent issues are involved.*

- Lisa acted for the bankrupt in a precedent claim following the case of Horton v Henry [2016] EWCA Civ 989 against a trustee in bankruptcy to recover pensions drawn down by the trustee in bankruptcy (2017).
- Advising trustee in bankruptcy in relation to alleged sham trust of property worth over £1 million (2017).
- Represented a German bank in "bankruptcy tourism" case involving a Turkish national who had borrowed significant amounts from the bank to develop property in Germany (2016).
- Successfully acting for an Irish national, made bankrupt in England, on a unique application under s281(5) Insolvency Act 1986 for an order to release him from liability under a court order in Ireland to pay damages for negligence for personal injury following an affray (2016).
- 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).
- Successfully obtaining an indefinite suspension of discharge of bankruptcy of a property developer, based in Ireland, with affairs crossing multiple jurisdictions (2013).
- **Gittins v Serco Home Affairs** [2013] 1 WLR 1218 Whether or not debtor (who was in prison) was entitled to petition for own bankruptcy and consequently whether bankruptcy order should be annulled. Instructed by creditor.
- **Pettit v Novacovic** [2007] BCC 462 (Norris J) Succeeded on behalf of trustee in bankruptcy in obtaining payment from agent (bankrupt's accountant) who had received monies from bankrupt after bankruptcy. *Hollcourt (Contracts) Ltd v Bank of Ireland* was distinguished.
- **Re Johnson** [2006] BPIR 987 Represented Official Receiver in precedent case on application by discharged bankrupt for an annulment of his bankruptcy.

## COMMERCIAL LITIGATION IN AN INSOLVENCY CONTEXT

*Lisa is a popular choice for commercial litigation in an insolvency context, for instance involving purchasers of businesses or commercial properties.*

- Acting for a high-profile retailer following its purchase from administrators in defending emergency proceedings for the delivery up of items in the high-street stores it was occupying (2018) (High Court, Manchester).
- 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 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).
- **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).
- **M v Focus (DIY) Limited:** Successfully obtained large settlement for creditor of company in administration in respect of goods with a value of in excess of £1m that were subject to a retention of title clause. Lisa also acted for a creditor in similar circumstances in the administration of Courts plc.

## REAL PROPERTY AND TRUSTS IN AN INSOLVENCY CONTEXT

*Having practised in real property and trusts for over 20 years, Lisa is adept at handling real property and trusts issues in an insolvency context, including LPA receiverships.*

- Acting for a high-profile retailer following its purchase from administrators in defending emergency proceedings for the delivery up of items in the high-street stores it was occupying (2018) (High Court, Manchester).
- Representing a purchaser of a pharmaceutical business from administrators in claim by landlord for dilapidations and unpaid rent. Landlord is relying upon Jervis v Pillar Denton Ltd for priority over other creditors (2017) (High Court, Manchester)
- Advice as to whether a grant by a charity to a company in liquidation was held on Quistclose trusts (2016).
- **Firstpoint Security Trustee Ltd v Enterprise House Development Ltd & ors:** Acted for Law of Property Act receivers of a hotel in the Midlands in successfully defending injunctive proceedings brought by second charge holder and securing payment of the costs and expenses of the receivers (2014)(High Court, Manchester)

- Successfully obtaining a settlement sufficient to clear the debts and expenses of the bankruptcy by establishing a proprietary interest in the estate of the former spouse of the bankrupt (2013).

## COMMERCIAL FRAUD

*Lisa has extensive experience of matters involving commercial fraud*

Successfully represented the Secretary of State for Business, Energy and Industrial Strategy in winding up companies in the public interest that had:

- Acted as the trustee of pension funds of over £4 million and yet could not clearly explain the application of those funds (2018) (High Court, London).
- Defrauded members of the public who had understood that the companies would engage in trading in binary options on their behalf Directional Solutions Ltd & ors (2017) (High Court, London).
- Falsely promised investors in the United Kingdom lucrative returns on alleged gold mining operations. The companies were registered in South and Central America (2015) (High Court, London).

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).