

Lisa Linklater

Call 1995



Clerks' Details

• Ian Spencer
□ 0113 203 1971

• Nicole Haigh
□ 0113 203 1975

Appointments

- Junior Counsel to the Crown (Regional Panel) (2000, 2007, 2012)
- Accredited Mediator

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)
- Duke of Edinburgh Entrance Award (Inner Temple)

Property & Planning CV Overview

Lisa has forged an excellent reputation as a leading junior in Commercial Chancery cases. She is highly experienced in advising and representing a diverse range of companies, individuals and Government departments (as Junior Counsel to the Crown).

Recent highlights of Lisa's property practice include:

- Acting in defence of claim of proprietary estoppel in respect of a family farming partnership with assets with a value in excess of £6 million.
- Advising a peer to peer pawnbroking platform in respect of loans secured against six ships.

Lisa has extensive experience in all manner of real property and trusts matters including:

- All issues relating to mortgages and charges over land and other assets
- Real property and trusts in an insolvency context
- Law of Property Act Receiverships
- Trusts, fiduciaries and tracing
- Co-owned property
- Wills and probate disputes

Lisa brings 20 years of experience in advising and representing a diverse range of companies, individuals and Government departments (as Junior Counsel to the Crown) in a broad spectrum of disputes in a range of sectors and industries.

Recommendations

TESTIMONIALS

“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

“Thank you for your succinct and very helpful skeleton argument”, specialist s9 judge, sitting as a High Court Judge, in judgment in 2016

“Miss Linklater’s skilled, probing and detailed cross-examination”, specialist s9 judge, sitting as a High Court Judge, in judgment in 2014

DIRECTORIES

“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.” **Legal 500 2016, within Commercial, banking, insolvency and Chancery law**

“She is very approachable, interacts effortlessly with clients and instils real confidence.” **Legal 500 2015**

An experienced junior frequently instructed in the full range of personal and corporate insolvency cases” **Chambers and Partners 2017**

“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 & Partners 2016**

“Fights her case well.” “She doesn’t miss anything and she is always prepared to help.” **Chambers & Partners 2014**

Cases

REAL PROPERTY AND TRUSTS IN AN INSOLVENCY CONTEXT

Representing a purchaser of a pharmaceutical business in claim brought by landlord of property previously occupied by the business (now in administration) for dilapidations and unpaid rent. Landlord is relying upon *Jervis v Pillar Denton Ltd* for priority over other creditors (2017) (Manchester District Registry).

Advised liquidator in claim by a charity that had awarded a grant to the company that the funds paid were held on Quistclose trusts (2016).

Represented the liquidator of a property holding company, associated with a members' club affiliated with a political party, in novel application for directions raising numerous precedent issues. Orders made for inquiries for missing members and distribution on a certain footing (by analogy with a Benjamin order in trusts law) (2016) (HHJ Kaye QC sitting as a High Court Judge) (Leeds District Registry)

Firstpoint Security Trustee Ltd v Enterprise House Development Ltd & ors:

Acted for Law of Property Act receivers, appointed by first charge-holder over a former hotel in the Midlands, in defending injunction proceedings brought by second charge holder. Obtained payment from second charge holder (a company incorporated in the British Virgin Islands) to cover certain costs and expenses in the LPA receivership. Successfully obtained settlement of claim (2014) (HHJ Bird sitting as a High Court Judge, Manchester District Registry).

Assisted trustee in bankruptcy in establishing a proprietary interest in the estate of former spouse of the bankrupt, based on the terms of an ancillary relief consent order, extending previous case law. The case settled following draft proceedings, with the debts and expenses of the bankruptcy estate being cleared entirely (2013).

PROPERTY AND RELATED CLAIMS

Currently acting in defence of claim of proprietary estoppel in respect of a family farming partnership with assets with a value in excess of £6 million.

Lisa successfully represented a leading Cheshire restaurant business at a 5 day trial in Manchester in 2016 in defending claims by a residential neighbour to close the restaurant on grounds of alleged noise nuisance and breach of restrictive covenant (2016) (Manchester)

Successfully obtained dismissal of application for injunctive relief on behalf of business selling bedroom furniture for children. The Claimant, a major manufacturer of bed products, had purchased a portfolio of properties from administrators in a “fire sale”. The claim centred on allegations of civil fraud by the Defendant of a lease of one of the properties and whether or not the Defendant had an overriding interest in that property. The case was listed for trial in the Chancery Division for six days (2015) (Leeds District Registry).

TRUSTS GENERALLY

Acted for the trustees of “fighting fund” in application relating to use of the fund. The case to which the fund relates is high profile (2016) (Leeds District Registry).

Advised trustees of trust on the implications of the Political Parties, Elections and Referendums Act 2000 for the trust (2015).

Represented former employee in claim based on promised interest in shares by owners/directors, relying upon trusts analysis. The case was further complicated because shares had been swapped into a major international company. Succeeded in obtaining significant payment for client through combination of concession and compromise by the defendants (2014).

SECURITY INCLUDING LPA RECEIVERSHIPS

Advising a peer to peer pawnbroking platform in respect of loans secured against six ships (2017).

Advised assignee of mortgages and guarantees on alleged undue influence in context of investment property in the North West (2015).

Firstpoint Security Trustee Ltd v Enterprise House Development Ltd & ors: Acted for Law of Property Act receivers, appointed by first charge-holder over a former hotel in the Midlands, in defending injunction proceedings brought by second charge holder. Obtained payment from second charge holder to cover certain costs and expenses in the LPA receivership. Case subsequently settled (2014)

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 in circumstances where LPA receivers had been appointed.

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

Lisa enjoys spending time with her family, particularly cycling, walking and exploring different parts of the UK coastline and countryside. She also enjoys socialising with friends, as well as following current affairs, listening to music and live entertainment (theatre and opera). Lisa is fluent (conversational) in French and German.