

Lisa Linklater KC

Call 1995 | Silk 2022



Clerks' Details

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Appointments

- King's Counsel (2022)
- Vice-Chair of the Northern Business and Property Bar Association (2023)
- Accredited Mediator (CEDR)
- Attorney General's Regional Panel of Counsel (2000 - 2018)

Memberships

- Chancery Bar Association
- Northern Business and Property Bar Association (Vice-Chair)
- R3 fellow (association of business recovery professionals) (full member)
- Insolvency Lawyers' Association (full member)
- The Honourable Society of the Inner Temple
- 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

Property & Trusts CV Overview

Lisa Linklater K.C. is a leading silk with an established reputation nationally for her expertise, advocacy, advice and strategic excellence in Chancery, Commercial Dispute Resolution and Insolvency/Restructuring.

Lisa is recommended as a Band 1 silk in these practice areas by Chambers and Partners UK Bar 2024 and Legal 500 UK Bar 2024.

Lisa has practised in property and trusts work throughout her career. Her practice in this field often links with shareholder and joint venture disputes, corporate insolvencies, Law of Property Act receiverships, commercial fraud or banking and finance.

Lisa brings over 25 years of experience in advising and representing a diverse range of companies, individuals, banks and other lenders, office holders of insolvent companies, Law of Property Act receivers, Government departments, local authorities and other public sector bodies. Lisa works closely with clients and instructing solicitors to tailor strategy to clients' objectives and to succinctly and clearly advocate on behalf of clients. Lisa's advice in this technical area is practical, creative, commercial and accessible. She is adept in effectively leading teams of different sizes, often including specialists in complementary fields of practice, for the benefit of clients.

Lisa's property and trusts practice is often high value, high profile and with complex legal or factual issues. She is currently instructed in respect of disputes relating to jointly owned property portfolios with a value of over £10 million and a claim in a high profile corporate insolvency for accessory liability to alleged breaches of trust of over £12 million.

Lisa Linklater K.C.'s property practice includes:

- All issues as to mortgages, debentures and other forms of security, particularly in a corporate insolvency context;
- Law of Property Act receiverships;
- Disputes concerning substantial property portfolios, often jointly owned and involving the Trusts of Land and Appointment of Trustees Act 1996;
- Express, resulting and constructive trusts;
- Proprietary estoppel (often disputes within families and relating to farms, frequently also involving partnership issues); and
- Shareholder, joint venture and partnership disputes within the property sector and/or involving commercial, agricultural or residential property and/or property development.
- Allegations of fraud e.g. sham transactions.

Lisa Linklater K.C.'s trusts practice includes:

- Breach of trust;
- Cross-border issues;
- Dishonest assistance;
- Knowing receipt;
- Account of profits and equitable compensation;
- Co-ownership of property disputes;
- Discretionary trusts (particularly of shares in companies within the context of shareholder disputes).

Lisa's significant experience and expertise as lead trial Counsel in the Business and Property Courts of the High Court of Justice and in the Court of Appeal underpins the strength of her oral and written advocacy and strategic excellence at all stages of disputes in this field.

While a substantial part of Lisa's work is in the Business and Property Courts of Leeds, Manchester, Liverpool and Newcastle, Lisa is also regularly instructed in cases in London, Birmingham and Bristol and she takes cases from across England and Wales. Lisa is instructed on behalf of clients by regional, national and international law firms.

Recent highlights of Lisa's property and trusts practice in silk include:

- Currently acting in respect of substantial dispute relating to jointly owned commercial and residential property with a value of over £10 million and related allegations of unfair prejudice under s994 Companies Act 2006 (2023 -).
- Currently acting in respect of very substantial property claim involving allegations of sham, linked to allegations of unfair prejudice in respect of a company within a family business (2023 -).

- Acting in alleged claim by company administrators of £12 million for alleged knowing assistance and knowing receipt of breach of trust and alleged breaches of directors' duties. Lisa is collaborating with Jersey lawyers in respect of a freezing order obtained in the Royal Court of Jersey (2023 -).
- Advising LPA receivers and lender in respect of priority between a debenture and option agreement, involving lending of £9 million in high profile corporate insolvency (2023).
- Acting in respect of a public contract relating to a very substantial joint venture property development in the North West and involving issues relating to public procurement law (2023).
- Successfully securing in HCt, BPC the dismissal of an application for an interim injunction to prevent a finance house from enforcing its security over property relating to a substantial property development and involving a debt of over £1 million (2023).
- Cleveland Bridge UK Limited (in administration): Successfully secured directions from the High Court for joint administrators of a former global leader in the design of complex structures including the Shard on a complex application relating to the distribution of £7 million. The application involved novel issues relating to fixed and floating charges, the equitable doctrine of marshalling, substantial preferential creditor claims by HM Revenue and Customs and Saudi law (2022).

Examples of Lisa's significant experience in this field before taking silk are in the "property and trusts" cases section below.

Lisa is Vice-chair of the Northern Business and Property Bar Association and is a member of the advisory board of the Centre for Business Law and Practice at the University of Leeds.

Recommendations

DIRECTORIES

Chambers and Partners 2024 recommends Lisa as a Tier 1 silk in each of the practice areas of Commercial Dispute Resolution, Restructuring/Insolvency and Chancery and highlights her expertise and experience in shareholder disputes, insolvency litigation and directors' duties.

"Lisa is top class, extremely knowledgeable and incredibly hard-working."

"Lisa is very strong technically; she fights the clients' corner, leaves no stone unturned and knows the law inside out. Her written work is excellent."

"Lisa is personable, has a collaborative approach and is very technical."

Chambers and Partners 2024 (Chancery/Commercial Dispute Resolution/Restructuring/Insolvency – Tier 1)

“Lisa has been really collaborative and attentive.”

Chambers and Partners 2022 (Band 1 Commercial Dispute Resolution)

“Lisa is a highly academic and organised advocate who knows her cases inside out. She is always a pleasure to deal with and to instruct.”

Chambers and Partners 2022 (Restructuring/Insolvency)

“You have to do your homework when you are against her.”

“Her knowledge and expertise is first-rate.”

Chambers and Partners 2021 (Chancery)

“She has a very good eye for detail.”

“Experienced and has the confidence of the court.”

“She’s good under pressure, diligent and very calm on her feet.”

Chambers and Partners 2021 (Restructuring/Insolvency)

“She is very technically astute and I can see why she is well respected in the region for this sort of work.”

“A very thorough and insightful analyst on the key issues.”

Chambers and Partners 2021 (Commercial Dispute Resolution)

“Lisa is very academic and always researches her cases fully. She is always well prepared and her written submissions are always excellent demonstrating her knowledge of cases. Lisa is a great advocate and is very persuasive.”

The Legal 500 2021 (Tier 1 Company and Insolvency)

“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 Company and Insolvency)

“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

TESTIMONIALS

“It was a pleasure to work with Lisa, whose hard work 24/7, excellent advocacy and expertise throughout was an invaluable factor in achieving this outcome.” Excello Law (2023)

“Lisa Linklater KC was incredible during all meetings and teams calls. Her vast amount of knowledge and confidence in the strength of our case was very reassuring. Her opening speech showed that she knew the case in depth and she knew exactly how to deliver her points firmly and in a strong and confident manner. Lisa was worth every single penny. She absolutely commanded the mediation and her confidence and knowledge were second to none.” Mrs C (client in shareholder dispute) (2023)

“Lisa provided a great service and her insight into the case was very helpful. Her communication was always prompt.” Mr B (client in shareholder dispute) (2023)

“I have retained Lisa on a number of complicated shareholder disputes. She is sharp, focussed and decisive and is able to navigate the most challenging legal and factual issues with aplomb. Lisa prepares thoroughly for hearings, ensuring all bases are covered, and her presentation of a case to court is both measured and highly effective.” Adam Maher, Partner, Head of Com the result the client was looking for.” Joshua Briggs, Head of Dispute Resolution, Wilkin Chapman LLP (2022)

“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 (2016)

Property & Trust Cases

Lisa's experience in property and trusts cases before taking silk includes the following:

REAL PROPERTY, TRUSTS AND RELATED CLAIMS

- Successfully acted for construction company in claim for specific performance of a contract to purchase land with a contract value of £4m in a dispute that had lasted 10 years (2020 – 2021) (HCt).
- Successfully realising an investment in valuable crowd-funded property development company in Cheshire for shareholders by just and equitable winding up petition (2018) (HCt).
- Representing trustee of shares in directions application involving issues including missing beneficiaries (2018) (HCt).
- Acting for a high-profile retailer in defending emergency proceedings for the delivery up of items in the high-street stores it was occupying (2018) (HCt).
- 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) (HCt).
- Advising in respect of trust issues following a pre-pack sale of 40,000 individual voluntary arrangements.
- Advice as to whether a grant by a charity to a company in liquidation was held on Quistclose trusts (2016).
- 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", relying on an alleged overriding interest. The claim centred on allegations of civil fraud and was related to high profile criminal proceedings relating to the premises (2016) (HCt).
- Acted for the trustees of "fighting fund" in application relating to use of the fund in legal proceedings relating to a tax scheme. The case to which the fund relates is high profile (2016) (HCt).
- 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.

SECURITY INCLUDING LPA RECEIVERSHIPS

- Advising a peer to peer pawn broking 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 of a hotel in the Midlands in successfully defending application for an injunction brought by second charge holder and securing payment of the costs and expenses of the receivers (2014)(HCt).
- *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.

PARTNERSHIP AND PROPRIETARY ESTOPPEL DISPUTES

- Acting in a factually and legally complex property dispute spanning 40 years within a family in respect of a property portfolio valued at c. £4m and alleged partnership, in which she led other Counsel (2020).
- Successfully acted for defendant to claims of approximately £1 million in respect of solicitors' partnership in legally and factually complex claim involving property portfolio. Case involved complex limitation issues and an entangled factual history (2020 – 2022).
- Representing a partner in a family farming partnership in a dispute involving an enviable Yorkshire Wolds arable farm valued in excess of £6 million in which a proprietary estoppel claim was made (2017 – 2018).
- Successfully defending a claim under a joint venture agreement and by proprietary estoppel to a valuable quarry at a 2 week trial (2016 – 2019).

Publications

Shareholder Disputes: Unfair Prejudice Petitions and The Art of Share Valuation (Solicitors Journal, 2022) 165(9), 25 – 27

Virgin Active and New Look: A new dawn for the rescue culture? (Sweet & Maxwell's Insolvency Intelligence 2021, 34(3), 55 - 57)

"Legal Professional Privilege: Breach of a Company Director's Duties and the Iniquity Exception in Practice" (Feature article, LexisNexis Corporate Rescue & Insolvency Journal, December 2020, 13(6), 194 - 195)

"Changing Times: Aspects of Creditor Enforcement in Administration and the New Moratorium" (Sweet & Maxwell's Insolvency Intelligence 2020, 33(3), 96 - 98)

"Furlough and Administration: When is a Contract of Employment 'Adopted'?" (R3's Recovery, Autumn 2020)

Member of the editorial advisory board of "The Company Lawyer" (Sweet & Maxwell).

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

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

Beyond the Bar

Music, golf, swimming, gym and theatre. Lisa is fluent (conversational) in French and German.