

Lisa Linklater KC

Call 1995 | Silk 2022



Clerks' Details

 Nicole Luna
 0113 203 1975

 Ian Spencer
 0113 203 1971

 Nick Buckley
 0161 817 2757

 Luke Heywood
 0113 203 1970

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

Commercial Fraud CV

Overview

Lisa Linklater K.C. is a leading silk with an established reputation nationally for her expertise, advocacy, advice and strategic excellence in cases involving commercial fraud, particularly in the context of shareholder disputes and corporate insolvency.

Lisa is recommended as a Band 1 silk by both Chambers and Partners UK Bar 2024 and Legal 500 UK Bar 2024, which recognise the strength of Lisa's skills in Commercial Dispute Resolution, Chancery and Insolvency and restructuring.

Lisa's practice in this area is usually high value, high profile and legally and/or factually complex. Her practice in this field includes:

- Asset recovery and tracing;
- Breach of trust;
- Breaches of directors' duties;
- Cross-border issues;
- Knowing receipt;
- Dishonest assistance;
- Unlawful means conspiracy;
- Emergency interim relief (including freezing orders, interim injunctions and proprietary injunctions);
- Transactions at an undervalue and to defraud creditors;
- Claims that documents have been forged;
- Legal professional privilege and the iniquity exception;
- Piercing the corporate veil;
- Account of profits and equitable compensation;
- Sham transactions and
- Cases involving parallel or potential criminal proceedings.

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, Government departments, local authorities and other public sector bodies in this field of practice. She has significant experience in claims (for both Claimants and Defendants) involving multiple causes of action or claimants or defendants, cross-border issues or a variety of strategic options. Lisa is adept in cases involving forensic accounting, digital forensic expert reports and other specialist and expert evidence.

Lisa's 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 commercial fraud disputes. While a substantial part of Lisa's work is in the Business and Property Courts of the High Court of Justice in 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 sensitive to the particular pressures on clients and legal teams in this field of practice and is valued for leading and fostering positive, cohesive and collaborative teams to effectively advance clients' cases. She regularly leads legal teams that include lawyers specialist in the law and practice of different legal jurisdictions or complementary fields of practice, including criminal law and procedure.

Lisa served as Junior Counsel to the Crown (Attorney General's Regional Panel) for three consecutive terms (18 years) and was regularly instructed by the Secretary of State for Business, Energy and Industrial Strategy and HM Revenue and Customs in a very wide range of high-profile and complex cases involving fraud, often involving parallel criminal or insolvency proceedings. She is currently instructed as lead Counsel by the Secretary of State for Business and Trade in a complex and high profile director disqualification in the retail sector.

Recent highlights of Lisa's practice in silk in commercial fraud include:

- 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 -).
- Acting in respect of very substantial property portfolio in claim involving allegations of sham within a family business (2023 -).
- Successfully acted for Petitioner in unfair prejudice petition under s994 of the Companies Act 2006 involving allegations of tax evasion in respect of a company in the hospitality sector in London (2021 onwards, case settled before trial listed in 2023).
- Successfully deflected threatened removal as a director of a company of client who was accused of tax evasion, securing important strategic success in bitter dispute between family members of a business in the leisure sector. Lisa acted in parallel with other silks in different fields of specialism (2022).
- Acting in claim for specific performance of shareholders' agreement, requiring shares

to be transferred for nil consideration, including responding to claim that a shareholder agreement has been forged (2022 - 2023).

Lisa's experience in commercial fraud before taking silk includes:

- Securing a favourable settlement for the defendants to a £5 million misfeasance and transaction defrauding creditors claim, brought by the liquidators of an offshore partnership that had moved onshore (2018 – 2021) (HCt).
- Acting in a shareholder dispute involving a company in the energy sector and the alleged misappropriation of over £2 million by a director (2021) (HCt).
- Successfully obtaining the withdrawal of an appeal against an assessment of over £1m in a complex MTIC tax fraud involving precedent legal issues and in which the fraud had taken place in Poland and Hungary (2016 – 2021).
- Successfully resisting an application to remove a trustee, alleged to have misappropriated trust funds, in the context of a factually and legally complex property dispute within a family spanning 40 years in respect of a property portfolio valued at c. £4m and alleged partnership, in which she led other Counsel (2020) (HCt).
- 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 (2017) (HCt).
- 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 favourable settlement of claim before trial. The claim centred on allegations of civil fraud and was related to the first modern slavery prosecution in England (2016) (HCt).
- Successfully representing the Secretary of State for Business, Energy and Industrial Strategy in winding up numerous companies in the public interest, including companies 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) (HCt).
 - 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) (HCt).
 - Falsely promised investors in the United Kingdom lucrative returns on alleged gold mining operations. The companies were registered in South and Central America (2015) (HCt).
 - Successfully representing the Official Receiver in both the Crown Court and the 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) (Proceedings in both the HCt and Crown Ct)

Lisa is a member of the editorial advisory board of the *Company Lawyer*, a specialist journal, published by Sweet and Maxwell. She is widely published in company and insolvency law including in *R3's Recovery* and Sweet & Maxwell's *Insolvency Intelligence*. Recent seminars presented by Lisa to leading insolvency practitioners, accountancy firms and regional,

national and international law firms include shareholder disputes, legal professional privilege and directors' duties. In 2023, Lisa was chair of a prestigious panel of international experts at the 40th Cambridge International Symposium on Economic Crime. She is a fellow of R3 and full member of the Insolvency Lawyers' Association.

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 is very thorough and is always well prepared. A proactive silk.'

'Lisa's knowledge of shareholder disputes and the law on unfair prejudice is outstanding. A strategically astute silk.'

Legal 500 2024 (Company and Insolvency/ Commercial Litigation - Tier 1)

"Lisa is scrupulous. She is hands-on in getting to know the client's business."

Chambers and Partners 2023

"Lisa is technically superb."

Chambers and Partners 2023

"Very thorough and decisive."

Chambers and Partners 2023

"Lisa is very responsive and incredibly academic – she researches her cases inside out. She gives clear, concise advice."

The Legal 500 2023

“Lisa is meticulous, very, very sharp, and has a wealth of knowledge. Always well prepared and an excellent advocate.”

Legal 500 2022 (Tier 1 Company and Insolvency)

“Lisa Linklater has been excellent – she is very good with clients, and very measured and meticulous in her approach.”

“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 Commercial Litigation, Myerson LLP (2022)

“Your strategy was perfect and delivered exactly 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)

Publications

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

“Directors’ Duties in Times of Change” (R3’s Recovery Newsletter, April 2022).

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.