

## Felicity Toubé KC

KC 2011, Called to the Bar 1995

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Felicity Toubé KC specialises in domestic and cross-border insolvency and restructuring, banking and financial services, commercial litigation, civil fraud, and company law. Felicity appears in the Cayman Islands on a regular basis. She also acts as an expert in international proceedings in English law, as well as the law of other common law jurisdictions. She is asked to speak regularly at conferences, including at INSOL and Offshore Alert.

She has acted in relation to most of the recent major corporate restructurings or insolvencies and related litigation including most recently in *NMC*, *Adler*, *McDermott*, *Linkfund*, *Cimolai*, *GateGroup*, *Codere*, *Saad*, *Madoff*, *Lehman*, *Stanford*, *Rastogi*, *Nortel*, *SPhinX*, *Sigma*, *Landsbanki*, *MF Global*, and *Rafidain Bank*.

Felicity is widely recognised in all the legal directories as an expert in several fields. She won Chambers and Partners Insolvency/Company Silk of the Year 2020 and is ranked as a Leading Silk both nationally and internationally by Chambers & Partners in Insolvency/Restructuring, Commercial Dispute Resolution, Company Law, and Commercial/Chancery Litigation .

She is also ranked in Who's Who in Insolvency, and Asset Tracing, and as a Thought Leader in Insolvency.

Felicity also publishes widely across all her fields of experience, including as editor and contributor to Toubé on "International Asset Tracing in Insolvency" (OUP) and as one of the General Editors of Lightman & Moss.

She is a Vice Chair of the International Insolvency Institute, and a member of the III's Board of Directors.

Felicity has been teaching on the Corporate Insolvency Course on the BCL at the University of Oxford since 2019, and has since 2022 taught a one-off class at Columbia Law School on international insolvency (with an emphasis on restructuring plans and schemes of arrangements). She is also undertaking a part-time DPhil at the University of Oxford, focussing on issues in cross-border insolvency law.

She is regularly asked to speak at, and Chair, conferences in the UK and internationally (including by the University of Oxford, INSOL, III, IWIRC, and Global Restructuring Review).

Felicity is also an ADR Group Accredited Civil & Commercial Mediator, an accredited Arbitrator by CiArb, and is Co-Chair of the INSOL ADR Colloquium.

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## Insolvency and Restructuring

Instructed in all varieties of administrations and liquidations, including in respect of financial

institutions (*NMC, GateGroup, Codere, Saad, Madoff, Lehman, Stanford, Nortel, SPhinX, Sigma, Landesbanki, MF Global, Debenhams, BHS, and Rafidain Bank*).

Recent cases include:

- **Link Fund Solutions** Ltd [2023] EWHC 2641 (Ch) (scheme of arrangement - convening - class questions)
- **CB&I UK Ltd (McDermott)** [2023] EWHC 2497 (Ch) (restructuring plan - convening - issues of urgency and procedural fairness, relevant alternative, valuation)
- **AGPS Bondco Plc (Adler)** [2023] EWHC 916 (Ch) (restructuring plan - sanction - valuation, relevant alternative, pari passu principle)
- **Cimolai** [2023] EWHC 923 (Ch) (recognition of Italian insolvency proceedings)
- **AGPS Bondco Plc (Adler)** [2023] EWHC 415 (Ch) (restructuring plan - convening - valuation, relevant alternative, pari passu principle)
- **Ipagoo** [2022] EWCA (Civ) 302 (Electronic Money Regulations - interplay between trust and insolvency)
- **Smile Telecoms (2)** [2022] EWHC 740 (Ch) (restructuring plan - sanction - recognition in Mauritius, cross class cram down)
- **Baglan Operations** [2022] 1 WLUK 215 (Ch) (compulsory liquidation, necessity to continue trading, expedition application)
- **Smile Telecoms (2)** [2022] EWHC 387 (Ch) (restructuring plan - convening - class of creditors not entitled to vote under section 901C(4) Companies Act)
- **Re Lendy Limited** [2021] EWHC 2285 (Ch) (breach of fiduciary duty, obligation to keep customer money separate)
- **Smile Telecoms** [2021] EWHC 395 (Ch) (restructuring plan - convening)
- **GateGroup** [2021] EWHC 775 (Ch) (restructuring plan - sanction)
- **GateGroup** [2021] EWHC 304 (Ch) (restructuring plan - convening - insolvency proceeding)
- **Swissport Fuelling 2** [2020] 12 WLUK 171 (scheme of arrangement - sanction)
- **Swissport Fuelling 2** [2020] EWHC 3064 (Ch) (scheme of arrangement - convening)
- **New Look Financing Plc** [2020] EWHC 3613 (Ch) (scheme of arrangement - sanction)
- **New Look Financing Plc** [2020] EWHC 2793 (Ch) (scheme of arrangement - convening)
- **Pizza Express** [2020] EWHC 2873 (Ch) (restructuring plan - convening)
- **Flybe** (acting for administrators re Flybe administration in multiple disputes)
- **Hood** [2020] EWHC 3232 (Ch) (acting for creditor in relation to change of carriage petition in bankruptcy - appeal)
- **Codere Finance 2 (UK) Ltd** [2020] EWHC 2441 (Ch) (scheme of arrangement)
- **Matalan Finance Plc** [2020] EWHC 2345 (Ch) (scheme of arrangement - sanction)
- **Matalan Finance Plc** [2020] EWHC 1953 (Ch) (scheme of arrangement - convening)
- **Swissport Fuelling** [2020] EWHC 1773 (Ch) (scheme of arrangement - sanction)
- **Swissport Fuelling** [2020] EWHC 1499 (Ch) (scheme of arrangement - convening)
- **Re A Company** [2020] EWHC 1406 (Ch) (injunction to restrain presentation of winding-up petition pending CIGA)
- **Peak Hotels** [2020] EWHC 1365 (Ch) (costs of valuation of services under section 245 Insolvency Act 1986)
- **Gertner v. CFL** [2020] EWHC 1241 (Ch) (successful appeal re good faith in IVAs) and [2021] EWHC 1404 (Ch) (third party costs order)
- **Carluccio's Limited** [2020] EWHC 886 (Ch) (adoption of furloughed contracts in administration)
- **CFL Finance v. Bass** [2019] EWHC 1837 (Ch) (ability to vote in IVA/bankruptcy petition)

- **Peak Hotels** [2019] EWHC 2558 (Ch) (application of test for valuation of services under section 245 Insolvency Act 1986)
- **Peak Hotels** [2019] EWCA Civ 345 (test for valuation of services under section 245 Insolvency Act 1986)
- **Crumpler v Candey Ltd** [2018] EWCA Civ 2256 (Court of Appeal) (Nature of ownership of monies paid into Court - floating charge)
- **Re Lehman Brothers Europe Ltd** [2017] EWHC 2031 (Ch) (Distribution to shareholders in administration by newly appointed director)
- **Re LB Holdings Intermediate 2 Ltd (In Administration) and others** [2017] EWHC 2032 (Ch) (Sanction of settlement of Waterfall III litigation)
- **Chubb v Rafidain Bank** Chancery Division (Companies Court), 27 July 2017 (unreported) (Declaration of meaning of scheme of arrangement)
- **Leeds v Lemos** [2017] EWHC 1825 (Ch) (privilege in bankruptcy does not pass to trustee in bankruptcy even in relation to "assets" documents)
- **PricewaterhouseCoopers v SAAD Investments Co Ltd** (In Official Liquidation) Privy Council (Bermuda), 17 November 2016 [2016] UKPC 33; [2017] 1 W.L.R. 953 (costs of aborted document production exercise not paid by office holders)
- **Lehman Brothers Luxembourg Investments S.A.R.L. v Lehman Brothers UK Holdings Limited (In Administration)** [2016] EWHC 617 (Ch) (Construction of loan document and subordination)
- **Citicorp International Ltd v Castex Technologies Ltd** [2016] EWHC 349 (Comm) (contents of notice for mandatory conversion notice)
- **Indah Kiat International Finance Co BV** [2016] EWHC 246 (Ch); [2016] B.C.C. 418 (adjournment of convening meeting for scheme of arrangement - requirements for convening order)
- **Centaur Litigation SPC (In Liquidation) v Terrill** [2015] EWHC 3420 (Ch) (freezing order - breach of duty by director)
- **MF Global UK Ltd (In Special Administration)** [2015] EWHC 2319 (Ch) [2016] Ch. 325 (denial of section 236 order against foreign respondents)
- **Black Diamond Offshore Ltd v Fomento De Construcciones Y Contratas SA** [2015] EWHC 1035 (Ch) (denial of stay of proceedings pending homologation proceedings in Spain; subsequent relief granted in favour of Black Diamond)
- **Northsea Base Investment Ltd** (and 7 others) [2015] EWHC 121 (Ch) (COMI of 7 Cypriot companies in England)
- **Re Business Environment Fleet St** [2014] EWHC 3540 (Ch) (powers of administrators to sell disputed assets)
- **Pricewaterhouse Coopers v Saad Investments Company Limited** [2014] UKPC 35 (ability of stranger to liquidation to set aside winding-up order)
- **Singularis Holdings Limited v Pricewaterhouse Coopers** [2014] UKPC 36 (extent of common law assistance in cross border insolvencies; existence of common law power to assist investigations as to assets)
- **Re ARM Asset Backed Securities** (EC Regulation and Luxembourg) [2014] EWHC 1097 (Ch)
- **JSC Bank of Moscow and others v Kekhman** (No: 4893 of 2012) [2014]
- **London Scottish Finance** [2013] EWHC 4047 (Ch) Ch D **ARM Asset Backed Securities** [2013] EWHC 3351 (Ch) **Re Tambrook** [2013]
- **Re Nortel Networks NV; Re Lehman Brothers International (Europe)** [2013] UKSC 52 **Lehman Brothers Special Financing v Carlton Communications** [2012] EWCA Civ 419 **Re Nortel Bloom v The Pensions Regulator** [2011] EWCA Civ 1124
- **Lehman Brothers Special Financing v Carlton Communications** [2011] EWHC 718 (Ch)

- ***Global Distressed Alpha Fund 1 Limited Partnership v PT Bakrie Investindo*** [2011] EWHC 256 (Comm)
- ***Re Nortel Bloom v The Pensions Regulator*** [2010] EWHC 3010 (Ch)
- ***Madoff Securities International v Financière Meeschaert*** [2010] EWHC 133 (Ch)
- ***Re Lehman Brothers International (Europe) v CRC*** [2010] EWHC 47
- ***Re Lehman Brothers International (Europe) v CRC*** [2009] EWHC 3228 (Ch); [2009] WLR (D) 371
- ***Re Stanford International Bank*** [2009] EWHC 1441 (Ch)
- ***Re Sigma*** [2009] UKSC 2
- ***Re Global Trader Europe*** [2009] EWHC 602 (Ch)

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## Banking and Finance

Recently instructed in a variety of issues including the client money litigation, as well as cases arising under ISDA Master Agreements, Facility Agreements and other security documents, and issues relating to schemes of arrangement (*Saad, Lehman, Stanford, SPhinX, Sigma, Landesbanki, MF Global, and Rafidain Bank*).

Recent cases include:

- ***Ipagoo*** [2022] EWCA (Civ) 302 (Electronic Money Regulations - interplay between trust and insolvency)
- ***ING Bank v. Santander*** [2020] EWHC 3561 (Comm) (jurisdiction question)
- ***BCV*** (acting for receiver in relation to dispute between Maduro and Guaido Central Bank of Venezuela)
- ***Akers v Samba Financial Group*** [2014] EWHC 540 (Ch)
- ***London Scottish Finance*** [2013] EWHC 4047 (Ch)
- ***Lehman Brothers Special Financing v Carlton Communications*** [2012] EWCA Civ 419
- ***Lehman Brothers Special Financing v Carlton Communications*** [2011] EWHC 718 (Ch)
- ***Global Distressed Alpha Fund 1 Limited Partnership v PT Bakrie Investindo*** [2011] EWHC 256 (Comm)
- ***Madoff Securities International v Financière Meeschaert*** [2010] EWHC 133 (Ch)
- ***Re Lehman Brothers International (Europe) v CRC*** [2010] EWHC 47
- ***Re Lehman Brothers International (Europe) v CRC*** [2009] EWHC 3228 (Ch); [2009] WLR (D) 371
- ***Re Stanford International Bank*** [2009] EWHC 1441 (Ch)
- ***Re Sigma*** [2009] UKSC 2
- ***Re Global Trader Europe*** [2009] EWHC 602 (Ch)
- ***Black Diamond Offshore Ltd v Fomento de Construcciones y Contratas SA*** [2016] EWCA Civ 1141; [2017] 1 B.C.L.C. 196 (construction of bond documentation/insolvency events of default)
- ***Lehman Brothers Luxembourg Investments Sarl v Lehman Brothers UK Holdings Ltd*** Chancery Division (Companies Court), 21 March 2016 [2016] EWHC 617 (Ch); [2017] 1 All E.R. (Comm) 393; [2016] 2 B.C.L.C. 244 (Construction of subordination agreement - solvency issues)
- ***Citicorp International Ltd v Castex Technologies Ltd Queen's Bench Division*** (Commercial Court), 24 February 2016 [2016] EWHC 349 (Comm) (issues of notice)

requirements in relation to convertible bonds)

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## Commercial Litigation and Arbitration

Major commercial litigation, and in particular civil fraud claims. Recent commercial cases and arbitrations include:

- **NMC** (acting for administrators and restructured group in multiple sets of proceedings, primarily in the ADGM)
- **Flybe** (acting for administrators re Flybe administration in multiple disputes)
- **BCV** (acting for receiver in relation to dispute between Maduro and Guaido Central Bank of Venezuela)
- **ING v. Santander** (jurisdiction challenge re English/Spanish proceedings)
- **Re Smith** [2020] EWHC 1280 (Comm) (multi party fraud claim - acting for Jersey Viscount)
- **Mohamed v. Breish** [2020] EWCA Civ 637 (one voice principle)
- **Mohamed v. Breish** [2020] EWHC 696 (Comm) - Identity of Chairman of Libyan Investment Authority
- **Mohamed v. Breish** [2019] EWHC 1768 (Comm) - one voice principle
- **Mohamed v. Breish** [2019] EWHC 306 (Comm) - authority dispute within Libyan Investment Authority
- **Crumpler v Candey Ltd** [2018] EWCA Civ 2256 (Court of Appeal) (Nature of ownership of monies paid into Court - floating charge)
- **Shaw v Breish** [2017] EWHC 2972 (Comm) (Collateral use of documents; variation of court appointed receivership)
- **UBS AG, London Branch v Glas Trust Corp Ltd** [2017] EWHC 1788 (Comm) (powers of Note Trustee)
- **Black Diamond Offshore Ltd v Fomento de Construcciones y Contratas SA** [2016] EWCA Civ 1141; [2017] 1 B.C.L.C. 196 (construction of bond documentation/insolvency events of default)
- **Lehman Brothers Luxembourg Investments Sarl v Lehman Brothers UK Holdings Ltd**
- **Chancery Division** (Companies Court), 21 March 2016 [2016] EWHC 617 (Ch); [2017] 1 All E.R. (Comm) 393; [2016] 2 B.C.L.C. 244 (Construction of subordination agreement - solvency issues)
- **Libyan Investment Authority v Codeis Securities SA** Queen's Bench Division (Commercial Court), 02 November 2016 [2016] EWHC 2773 (Comm) (powers of court appointed receiver where authority dispute in Libya)
- **RBG v Rastogi and others** [2014] EWHC 2316 (Ch)
- **Akers v Samba Financial Group** [2014] EWHC 540 (Ch)
- **Lehman Brothers Special Financing v Carlton Communications** [2012] EWCA Civ 419
- **Lehman Brothers Special Financing v Carlton Communications** [2011] EWHC 718 (Ch)
- **Re Nortel Bloom v The Pensions Regulator** [2010] EWHC 3010 (Ch)
- **Madoff Securities International v Financière Meeschaert** [2010] EWHC 133 (Ch)
- **Re Lehman Brothers International (Europe) v CRC** [2010] EWHC 47
- **Re Lehman Brothers International (Europe) v CRC** [2009] WLR (D) 371
- **Re Stanford International Bank** [2009] EWHC 1441 (Ch)
- **Re Sigma** [2009] UKSC 2
- **Re Global Trader Europe** [2009] EWHC 602 (Ch)

- **Citicorp International Ltd v Castex Technologies Ltd** Queen's Bench Division (Commercial Court), 24 February 2016 [2016] EWHC 349 (Comm) (issues of notice requirements in relation to convertible bonds)

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## Company

Recently instructed in a variety of company law cases including in relation to schemes of arrangement and restructuring plans, for company or AHG.

- **Link Fund Solutions** Ltd [2023] EWHC 2641 (Ch) (scheme of arrangement - convening - class questions)
- **CB&I UK Ltd (McDermott)** [2023] EWHC 2497 (Ch) (restructuring plan - convening - issues of urgency and procedural fairness, relevant alternative, valuation)
- **AGPS Bondco Plc (Adler)** [2023] EWHC 916 (Ch) (restructuring plan - sanction - valuation, relevant alternative, pari passu principle)
- **AGPS Bondco Plc (Adler)** [2023] EWHC 415 (Ch) (restructuring plan - convening - valuation, relevant alternative, pari passu principle)
- **Smile Telecoms (2)** [2022] EWHC 740 (Ch) (restructuring plan - sanction - recognition in Mauritius, cross class cram down)
- **Smile Telecoms (2)** [2022] EWHC 387 (Ch) (restructuring plan - convening - class of creditors not entitled to vote under section 901C(4) Companies Act)
- **Smile Telecoms** [2021] EWHC 395 (Ch) (restructuring plan - convening)
- **GateGroup** [2021] EWHC 775 (Ch) (restructuring plan - sanction)
- **GateGroup** [2021] EWHC 304 (Ch) (restructuring plan - convening - insolvency proceeding)
- **Swissport Fuelling 2** [2020] 12 WLUK 171 (scheme of arrangement - sanction)
- **Swissport Fuelling 2** [2020] EWHC 3064 (Ch) (scheme of arrangement - convening)
- **New Look Financing Plc** [2020] EWHC 3613 (Ch) (scheme of arrangement - sanction)
- **New Look Financing Plc** [2020] EWHC 2793 (Ch) (scheme of arrangement - convening)
- **Pizza Express** [2020] EWHC 2873 (Ch) (restructuring plan - convening)
- **Flybe** (acting for administrators re Flybe administration in multiple disputes)
- **Hood** [2020] EWHC 3232 (Ch) (acting for creditor in relation to change of carriage petition in bankruptcy - appeal)
- **Codere Finance 2 (UK) Ltd** [2020] EWHC 2441 (Ch) (scheme of arrangement)
- **Matalan Finance Plc** [2020] EWHC 2345 (Ch) (scheme of arrangement - sanction)
- **Matalan Finance Plc** [2020] EWHC 1953 (Ch) (scheme of arrangement - convening)
- **Swissport Fuelling** [2020] EWHC 1773 (Ch) (scheme of arrangement - sanction)
- **Swissport Fuelling** [2020] EWHC 1499 (Ch) (scheme of arrangement - convening)
- **Swissport Fuelling** [2020] 11 WLUK 96 (second scheme of arrangement for airline related company)
- Scheme proponent in the **Sphinx** case in the Cayman Islands
- **Global Distressed Alpha Fund 1 Limited Partnership v PT Bakrie Investindo** [2011] EWHC 256 (Comm)
- **Madoff Securities International v Financière Meeschaert** [2010] EWHC 133 (Ch)
- **Re Lehman Brothers International (Europe) v CRC** [2010] EWHC 47
- **Re Lehman Brothers International (Europe) v CRC** [2009] WLR (D) 371
- **Re Sigma** [2009] UKSC 2
- **Re Global Trader Europe** [2009] EWHC 602 (Ch)



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## Civil Fraud and Asset Recovery

Recent cases include:

- **Re Smith** [2020] EWHC 1280 (Comm) (multi party fraud claim - acting for Jersey Viscount)
- **RBG v Rastogi and others** [2014] EWHC 2316 (Ch)
- **Akers v Samba Financial Group** [2014] EWHC 540 (Ch)
- **NMC**
- **Madoff**
- **Stanford**

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## Offshore

Felicity has appeared in the following foreign jurisdictions, the Cayman Islands (where she appears on a regular basis in the Grand Court), the BVI (including appearing in the BVI Court), ADCM, Antigua, USA, EU (in particular realising property and unravelling frauds in France and Spain), Jersey, Guernsey and Isle of Man.

Also acts as an expert in international proceedings in English law, as well as the law of other common law jurisdictions. Currently retained in one case by the US Department of Justice as an expert on foreign law.

Recent cases include:

- **Pacific Drilling** (Cayman Islands provisional liquidation in support of Chapter 11 restructuring)
- **NMC** (Abu Dhabi administrations of UAE based healthcare group) - multiple ongoing issues
- **Port Fund** (Cayman Islands - section 22 proceedings re limited partners' rights to information from Fund)
- **Peak Hotels** (BVI proceedings re expense claim in liquidations)
- **Ardon Maroon** (Eastern Caribbean Court of Appeal - redemptions between Master and Feeder Fund)
- **BCV** (acting for receiver in relation to dispute between Maduro and Guaido Central Bank of Venezuela)
- **Libyan Investment Authority**: proceedings in the Cayman Islands in relation to Palladyne
- **Pricewaterhouse Coopers v Saad Investments Company Limited** [2014] UKPC 35 (ability of stranger to liquidation to set aside winding-up order)
- **Singularis Holdings Limited v Pricewaterhouse Coopers** [2014] UKPC 36 (extent of common law assistance in cross border insolvencies; existence of common law power to assist investigations as to assets)
- **Re Saad** (Bermuda, Cayman, and Saudi Arabia)
- **SPhinX** liquidation (Cayman Islands)
- **Re ARM** (EC Regulation and Luxembourg) [2014] EWHC 1097 (Ch)
- **Tambrook** (Jersey)
- **Madoff SIPA Trustee v Harley** (Cayman Islands)
- **Stanford International Bank** (Antigua, Switzerland, and Canada)

- **Global Distressed Alpha Fund 1 Limited Partnership v PT Bakrie Investindo** [2011] EWHC 256 (Comm) (Indonesia)
  - **PricewaterhouseCoopers v SAAD Investments Co Ltd** (In Official Liquidation) Privy Council (Bermuda), 17 November 2016 [2016] UKPC 33; [2017] 1 W.L.R. 953 (costs of aborted document production exercise not paid by office holders)
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## Awards and Recommendations

### Chambers and Partners

#### Restructuring/ Insolvency

*"She is tenacious advocate who is willing to take on the difficult points."*

*"She is at top of her game in insolvency, particularly where insolvency meets arbitration."*

*"She's very definitive in her advice: she gets to the nub of the issue quickly and is very solutions-oriented."*

#### Commercial Dispute Resolution

*"Felicity Toubé is very practical and commercial."*

*"Clients love Felicity because she is user friendly and at the top of her game in insolvency."*

#### Company

*"Felicity Toubé has brilliant command of the detail, and always takes the commercial context of a case into account when delivering her advice."*

*"A terrific practitioner, who always finds time in her busy diary to assist. She gets right to the point when tackling her cases."*

#### Offshore

*"Felicity is one of the smartest people I have come across, and she has this ability to focus that intelligence in bringing the best results for her clients."*

*"She has a fantastic knack for selecting the best points."*

*"Felicity is responsive and good to work with. She inspires confidence and has gravitas, which is appreciated by clients."*

*"Clients love Felicity. She's at the top of her game in the field of insolvency, particularly where it intersects with arbitration. She is at the forefront of developing this area of law."*

### Legal 500



Insolvency

*'Felicity is really fantastic and a go-to in this area.'*

Civil Fraud

*'An outstanding advocate: technically brilliant and very responsive.'*

Banking and Finance

*"A consummate team player, and a very good advocate."*

Company/Insolvency Silk of the Year 2020

Junior Insolvency and Corporate Restructuring Barrister of the Year 2006

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## Career

2022	Columbia Law School Guest Lecturer
2020	Vice President of III
2022	Co-Chair of INSOL Mediation Colloquium
2019	Teaching on Corporate Insolvency Law course, BCL, University of Oxford
2015	Appointed to INSOL International Mediation Panel
2015	ADR group Accredited Civil and Commercial Mediator
2012	Called to the Bar of the Cayman Islands
2011	Appointed Queen's Counsel (now King's Counsel)
1995	Called to the Bar of England and Wales
1994-1995	Taught Restitution with with Prof Peter Birks from All Soul's College, Oxford

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## Memberships

International Insolvency Institute (Vice President and Board Member)

INSOL

IWIRC

Commercial Bar Association

Chancery Bar Association

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## Publications

Editor of and contributor to *International Asset Tracing in Insolvency* (Toube, OUP 2009 - 2<sup>nd</sup> edition forthcoming)

General Editor of *Lightman & Moss on Receivers and Administrators*

Editor of *Totty & Moss on Insolvency* case summaries

Case editor for *Sweet & Maxwell Complete Insolvency Service* CD Rom

Contributor to *EC Regulation on Insolvency Proceedings* (Moss, Fletcher and Isaacs)

Author of chapter in *Rowlatt on Surety*

Contributor to *Halsbury's Laws of England* Volume 3(2) (fourth edition, 2002 reissue) Co-editor of *Halsbury's Laws of England* Volume 7 (fifth edition, 2013 reissue) *Restitution for Public Lawyers* [1996] JR 92

*Restitution under Article 85(2) EC Treaty - Can it be Done?* (F Rose) Author of *Cross-Border Security Enforcement and the Conflict of Laws* (F Rose)

*Editor, board member, and contributor to Insolvency Intelligence* (1998-2018)

- Citibank v Oceanwood (Case Comment) - *Insolv. Int.* 2018, 31(4), 116-118
- A brave new world? Should the UK ban ipso facto clauses in non-executory contracts? - *Insolv. Int.* 2018, 31(3), 78-83
- From discord to harmony: the future of cross-border insolvency - *C.R. & I.* 2015, 8(5), 198-200
- To notify or not to notify, that is the question - *Insolv. Int.* 2014, 27(6), 92-94
- Trouble in paradise - *Insolv. Int.* 2012, 25(8), 127-128
- All change is not growth, as all movement is not forward! - *Insolv. Int.* 2012, 25(4), 49-54
- RASCALS: indirect holding systems and trusts - *Insolv. Int.* 2011, 24(5), 74-76
- Isolationism revived: foreign restructurings still do not discharge debts under English contracts - *Insolv. Int.* 2011, 24(5), 77-79
- Debtor's domicile: no safe haven - *Insolv. Int.* 2008, 21(8), 121-124
- Future contingent claims - *Insolv. Int.* 2008, 21(1), 12-13
- Re HIH Casualty & General Insurance Ltd - *Insolv. Int.* 2006, 19(3), 46-47
- It's A Wrap (UK) Ltd v Gula - *Insolv. Int.* 2006, 19(2), 30
- Winding-up petitions not subject to limitation - *Insolv. Int.* 2006, 19(1), 12
- The proper treatment of employees' claims in administration - *Insolv. Int.* 2005, 18(7), 108-111
- Right to information about insurers - *Insolv. Int.* 2005, 18(1), 13-14
- Application for leave to act as a director - *Insolv. Int.* 2004, 17(6), 94

- Public interest petition to wind up - *Insolv. Int.* 2004, 17(6), 95
- Payment to preferential creditors by administrator - *Insolv. Int.* 2004, 17(6), 95-96
- Liquidation expenses take priority over debenture holder - *Insolv. Int.* 2003, 16(6), 46
- Petition not an abuse - *Insolv. Int.* 2003, 16(6), 47
- Administration orders: the Colt saga - *Insolv. Int.* 2003, 16(2), 15-16
- No challenge to pre Human Rights Act cases - *Insolv. Int.* 2002, 15(9), 71
- Challenging the trustee's remuneration - *Insolv. Int.* 2002, 15(8), 63
- Subrogation and construction issues in bonds - *Insolv. Int.* 2002, 15(7), 53-54
- Is tax a liquidation expense? - *Insolv. Int.* 2002, 15(4), 25-29
- Failure to deliver up records - *Insolv. Int.* 2001, 14(6), 46-47
- Statutory demand for legal aid costs - *Insolv. Int.* 2001, 14(6), 46
- Directors in breach of duty - *Insolv. Int.* 2001, 14(5), 38-39
- Sale of bankrupt's property abroad - *Insolv. Int.* 2001, 14(5), 38
- Fraudulent activity - *Insolv. Int.* 2001, 14(5), 39
- Disqualification of director of Scottish company - *Insolv. Int.* 2001, 14(5), 39
- Disputed debt - *Insolv. Int.* 2000, 13(10), 79
- Leave to act as a director - *Insolv. Int.* 2000, 13(10), 79
- Order over foreign property - *Insolv. Int.* 2000, 13(8), 63
- Is a claim "property"? - *Insolv. Int.* 2000, 13(7), 54
- Charge over book debts - *Insolv. Int.* 2000, 13(3), 21-22
- Leave to act as manager - *Insolv. Int.* 2000, 13(3), 22
- Disposal by administrators - *Insolv. Int.* 2000, 13(3), 22
- Fixed or floating charged assets - *Insolv. Int.* 2000, 13(3), 22-23
- Request for assistance - *Insolv. Int.* 1999, 12(6), 45-46
- Disclaimer - damages calculation - *Insolv. Int.* 1999, 12(6), 46-47
- Interests of creditors - *Insolv. Int.* 1999, 12(5), 37-38
- Application for leave to act as a director - *Insolv. Int.* 1999, 12(5), 37
- Defended winding up petition - *Insolv. Int.* 1999, 12(3), 22-23
- Demite Ltd: the saga continues - *Insolv. Int.* 1999, 12(2), 14
- Effect of bankruptcy order on IVA - *Insolv. Int.* 1999, 12(1), 8
- Demite Ltd: a case study for the 1990s - *Insolv. Int.* 1998, 11(9), 69-71
- Court's control over liquidator's actions abroad - *Insolv. Int.* 1998, 11(5), 37-38

#### Other articles

- Cross-border enforcement of security: Part 2 - *I.B.F.L.* 1997, 16(2), 9-11
- Cross-border enforcement of security: Part 1 - *I.B.F.L.* 1997, 16(1), 1-4

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## Lectures and Seminars

Speaker and Chair at numerous events on insolvency and asset tracing (in particular cross-border insolvency issues): INSOL, INSOL Europe, R3, ILA, IWIRC, Offshore Alert, GRR

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## Education and Qualifications

2020- Oxford University, part time DPhil

1993-1994 Magdalen College, Oxford University, BCL, First Class

1990-1993 Magdalen College, Oxford University, BA

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## Prizes and Scholarships

Princess Royal Scholarship (ICSL)

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## Interests

Charity work (Trustee of Magdalen College Development Trust, Legal Friends of the Hebrew University, New West End Synagogue, and various other deaf, homeless, and educational charities)

Cooking, reading, cricket