

Jamil Mustafa

Called to the Bar 2018

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Jamil joined South Square as a tenant in October 2020.

Jamil accepts instructions in all of Chambers' core areas of practice including insolvency and restructuring, banking and finance, commercial litigation and arbitration, offshore litigation, company law and civil fraud.

As a pupil, Jamil assisted on a variety of matters spanning Chambers' areas of practice, including the subordinated debt litigation arising out of the collapse of Lehman Brothers (*In re LB Holdings Intermediate 2 Limited (in administration)*); a potential application under Part 2 of the Banking Act 2009; litigation concerning securitisation structures (for example, *Business Mortgage Finance 6 Plc v Roundstone Technologies Ltd*); a dispute between the investors and administrators of a medical research company (*Re Fortuna Fix Ltd (in administration)*); and a multi-million pound classic car finance dispute.

Over the course of his pupillage, Jamil also drafted advice and research notes on a number of points, including the operation of statutory set-off in a building society insolvency procedure; the characterisation of a discretionary portfolio management agreement; the entitlement of a note trustee to adopt third-party expenses in connection with a securitisation structure; and the status and effect of a clause providing for non-binding arbitration in a different jurisdiction on prospective English proceedings.

Before coming to the Bar, Jamil graduated with a First Class degree in Government and History from the London School of Economics and Political Science. He was then awarded a Master of Philosophy degree in American History with Distinction from the University of Cambridge where he ranked first in his class. Subsequently, Jamil obtained a Distinction on the Graduate Diploma in Law from City, and in the year before commencing pupillage, studied the Bachelor of Civil Law at the University of Oxford, graduating with a Distinction.

Insolvency and Restructuring

- *In re LB Holdings Intermediate 2 Limited (in administration)* [2020] EWHC 1681 (Ch): dispute concerning the ranking of subordinated debt in the administration of Lehman entities (assisting Mark Phillips QC, William Willson and Edoardo Lupi).
- *Colt Technology Services v SG Global Group SRL* [2020] EWHC 1417 (Ch): an injunction to restrain presentation of a winding up petition (assisting William Willson).
- *Re Fortuna Fix Ltd (in administration)* [2020] EWHC 2369 (Ch): dispute between the investors and administrators of a medical research company (assisting Adam Al-Attar).
- Drafted advice on what constitutes a contract for the supply of services in relation to the bar on ipso facto provisions introduced by the Corporate Insolvency and Governance Act 2020 (assisting Mark Phillips QC).

- Drafted advice concerning the indemnification of an energy supply company administrator (assisting Richard Fisher QC).
 - Drafted advice on the validity of a liquidator's notice of disclaimer (assisting Stephen Robins).
 - Drafted advice in relation to a potential scheme of arrangement (assisting Stephen Robins).
 - Drafted a skeleton argument seeking the dismissal of an application for an injunction to restrain presentation of a winding up petition (assisting Marcus Haywood).
 - Drafted advice on the question of submission of a foreign entity to the insolvency jurisdiction of the English Court by filing a proof of debt in an English administration (assisting Henry Phillips).
 - Drafted advice regarding the operation of statutory set-off in a building society insolvency procedure (assisting Henry Phillips).
 - Drafted a research note on the rule against double proof and whether it applies as of the notional dividend date or whether it applies at a later (and if so what) date (assisting Adam Al-Attar).
 - Drafted a research note on the effect of a bankruptcy order on the ability of a note trustee to continue legal proceedings in that capacity (assisting Alexander Riddiford).
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Banking and Finance

- *Business Mortgage Finance 6 Plc v Roundstone Technologies Ltd* [2019] EWHC 2917 (Ch): dispute as to whether a receiver had ostensible authority to enter into a sale and purchase agreement in connection with a securitisation structure (assisting Tom Smith QC and Alexander Riddiford).
 - Drafted advice as to the characterisation of a discretionary portfolio management agreement (assisting Tom Smith QC).
 - Drafted a research note on the entitlement of a note trustee to adopt third-party expenses in connection with a securitisation structure (assisting Stephen Robins).
 - Drafted a Defence in connection with a claim for breach of various agreements by the special servicer/cash-bond administrator of a securitisation structure (assisting Alexander Riddiford).
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Commercial Litigation and Arbitration

- Drafted research notes on conflict of laws issues arising in respect of a claim for contractual interest under a facility agreement and hedging arrangement (assisting Felicity Toubé QC and Marcus Haywood).
- Drafted advice in connection with a dispute as to solicitors' entitlement to fees (assisting Marcus Haywood).
- Drafted advice as to the construction of an insurance policy (assisting Marcus Haywood).
- Drafted letters before action in relation to a dispute concerning the misappropriation of funds from an online investment platform (assisting Marcus Haywood).
- Drafted a skeleton argument for an *ex parte* hearing of an application to serve proceedings out of the jurisdiction in connection with a brokerage dispute concerning a breach of exclusivity terms (assisting Adam Al-Attar).
- Drafted Particulars of Claim in connection with the above commercial dispute concerning the breach of an exclusivity agreement in connection with the provision of brokerage services

(assisting Adam Al-Attar).

- Drafted a research note concerning the status and effect of a clause providing for non-binding arbitration in another jurisdiction and whether it justifies a stay under the Arbitration Act 1996 or under the Supreme Court Rules (assisting Adam Al-Attar).
- Drafted a Defence and Counterclaim in a dispute in relation to a hire-purchase agreement concerning a multi-million pound classic car finance dispute (assisting Adam Al-Attar).
- Drafted Particulars of Claim in a dispute relating to breach of a put option agreement (assisting Henry Phillips).

Civil Fraud

- Revised Particulars of Claim to include a claim for compound interest in equity and under foreign law in a multi-billion-dollar civil fraud case (assisting Adam Al-Attar).

Offshore

- Drafted a skeleton argument for the hearing of an application seeking directions in the administration of a Gibraltar company as to the operation of insolvency set-off under Gibraltar Law (assisting Henry Phillips).
- Drafted a research note on rectification of the register of members of a company under Cayman Law (assisting Alexander Riddiford).

Career

- 2018 Called to the Bar of England and Wales

Memberships

- Chancery Bar Association
- Insolvency Lawyers Association

Education and Qualifications

- 2018-2019 St. Cross College, Oxford University, BCL, Distinction. Options studied: Commercial Remedies, Conflict of Laws, Legal Concepts in Financial Law and Restitution of Unjust Enrichment
- 2017-2018 BPP University Law School, BPTC, Outstanding
- 2016-2017 City, University of London GDL, Distinction (third in class)

- 2015-2016 Clare College, Cambridge University, MPhil in American History, Distinction (first in class)
 - 2012-2015 The London School of Economic and Political Science, BSc in Government and History, First Class Honours
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Scholarships and Prizes

- 2018 Buchanan Prize (Lincoln's Inn).
 - 2017 Lord Denning Scholarship (Lincoln's Inn)
 - 2017 Advocacy Scholarship (BPP University Law School)
 - 2016 Hardwick Entrance Award (Lincoln's Inn).
 - 2016 Lord Bowen Scholarship (Lincoln's Inn)
 - 2016 MPhil dissertation deposited in the Seeley Historical Library, University of Cambridge.
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Interests

History, Cricket, Football.