

## Madeleine Jones

Called to the Bar 2015

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Madeleine's practice includes all forms of domestic and cross-border insolvency, company law, commercial litigation and banking and financial services work.

In addition to undertaking drafting and advisory work in all of chambers' core areas, Madeleine frequently appears unled in the High Court and County Court.

She has experience of a broad range of applications relating to bankruptcies, liquidations, administrations and individual and company voluntary arrangements. Recent cases include *Discovery (Northampton) Ltd v Debenhams Retail Limited* [2019] EWHC 2441 (Ch) (the Debenhams CVA challenge; acting for the Company led by Tom Smith QC and Richard Fisher QC) and *Re Carluccio's Limited* [2020] EWHC 886 (Ch) (directions application by the Carluccio's administrators on the treatment of the Government Job Retention Scheme in administration; led by Felicity Toubé QC). She has also advised on insolvency law questions arising in other common law jurisdictions, including various Caribbean jurisdictions, the Dubai International Financial Centre, Hong Kong and Jersey.

In company law, Madeleine has experience of questions relating to directors' duties, shareholder disputes and unfair prejudice petitions as well as various other applications under the Companies Act 2006.

She also undertakes commercial work without an insolvency element and has appeared in summary judgment and strike out applications, interim injunction applications (including freezing orders) and small claims trials.

Prior to joining Chambers, Madeleine obtained a double first class degree in Classics from Cambridge University and a doctorate in Classics from Princeton University. She was the recipient of Gray's Inn's two most prestigious scholarships for the Graduate Diploma in Law and Bar Professional Training Course, the David Karmel Award and the Bedingfield Scholarship.

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## Insolvency and Restructuring

Madeleine has experience acting for and advising companies, creditors and office-holders in insolvency proceedings. She has experience in various applications under the Insolvency Act 1986 and the Insolvency Rules 2016 including the following:

- Applications relating to winding up petitions, including injunctions to restrain presentation or advertisement of winding up petitions and hearings to determine whether a petition is disputed in good faith on substantial grounds;
- All stages of the bankruptcy petition process, including applications to set aside statutory demands and disputed debt petition hearings;

- Creditors' challenges to decisions of office-holders, the chair of IVA and CVA meetings and IVA and CVA supervisors;
  - Office-holder actions against delinquent directors (ss. 212, 213, and 214 of the 1986 Act);
  - Transactions at an undervalue and preferences (ss. 238, 239 and 423 of the 1986 Act);
  - Administration applications and extensions.
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## **Banking and Finance**

Madeleine has advised on various issues arising within the financial services sector both in an insolvency context and otherwise, including guarantees, debt securitisation, intermediation of securities, the construction of ISDA Master Agreements and other financial services contracts, and regulatory issues.

During her first year of practice, Madeleine undertook a three-month secondment to the Financial Markets Dispute Group at Dentons UKMEA LLP, in London.

She has also been instructed as junior counsel in a high value swaps dispute.

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## **Commercial Litigation and Arbitration**

Madeleine often drafts statements of case and appears as sole counsel in contractual disputes in the County Court. She has also appeared sole counsel in a High Court proceedings, and has a good knowledge of the procedural steps necessary to take a case to trial.

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## **Company**

Madeleine has experience advising on and acting in various company law applications, including unfair prejudice petitions, claims for unpaid dividends, claims against directors for breach of duty, applications to register company charges out of time and restoration applications.

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## **Civil Fraud and Asset Recovery**

Madeleine has been instructed in matters relating to fraud both as sole counsel and as junior counsel in insolvency proceedings (claims by office-holders against former directors) and in general commercial proceedings (misrepresentation).

She has been instructed on numerous occasions to advise on and assist with asset recovery, and she has experience in applications for charging orders (both straightforward and disputed) and third party debt orders. She is able to advise on all means of civil recovery and enforcement of

judgments.

She also has experience advising and drafting in relation to transactions at an undervalue and preferences including in contexts where fraud is suspected.

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## Offshore

In practice Madeleine has undertaken advisory work relating to offshore matters. She has advised on insolvency and bankruptcy law matters under the law of the DIFC, Hong Kong, Jersey and various Caribbean jurisdictions. She has also advised on aspects of some high value trusts litigation in Jersey.

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## Career

July 2015 Called to the Bar of England and Wales

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## Memberships

INSOL, Combar

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## Publications

Journal of International Banking and Finance Law 2018, *Insolvency Set-Off and Secured Debts*

INSOL International Newsletter 2018, *Banks' liability for fraudulent withdrawals by authorised individuals* (first published in the South Square Digest, May 2018)

LexisNexis Practice Note 2017, *Part 14 of the Insolvency Rules 2016: Claims by and distributions to creditors*

International Corporate Rescue 2017, 2018, Various case-law updates

Contributor to:

*Rowlatt on Principal and Surety* (Sweet & Maxwell) 7<sup>th</sup> edition, 2018

*Lightman and Moss on the Law of Administrators and Receivers of Companies* (Sweet & Maxwell) 6<sup>th</sup> edition, 2017

*European Cross Border Insolvency* (Sweet & Maxwell) 2017

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## Education and Qualifications

City University, London, Bar Professional Training Course

City University, London, Graduate Diploma in Law

Princeton University, PhD Classical Philology (Roman literature and philosophy)

University of Cambridge, St John's College, MPhil Classics (Distinction)

University of Cambridge, St John's College, BA Classics (Double first class; fourth in year)

Bradford Girls' Grammar School

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## Prizes and Scholarships

Bedingfield Scholarship, Gray's Inn

David Karmel Award, Gray's Inn

Thomas F Curley Memorial Fund Fellowship, Princeton University

Cotsen Junior Teaching Fellowship, Princeton University

Perkins Prize, Princeton University

Hawksley-Burbury Prize, St John's College, University of Cambridge

Henry Arthur Thomas Award, St John's College, University of Cambridge

College Prize, St John's College, University of Cambridge

Wright Prize, St John's College, University of Cambridge