

## Madeleine Jones

Called to the Bar 2015

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Madeleine's practice focuses on all forms of domestic and cross-border insolvency and company law. She also has experience in 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. 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 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 corporate and individual insolvency proceedings.

Recent cases include:

- Hex Technologies Ltd v DCBX Ltd [2023] EWHC 537 (Ch) - acting for the creditors in a

disputed bankruptcy petition. Judgment dealt with whether a debt based on contract containing a foreign jurisdiction clause can be the basis of a petition (as with *Al Kuwari v Cantervale*).

- *Al Kuwari v Cantervale Ltd* [2022] EWHC 3490 (Ch) – acting for the creditor in an application to set aside a statutory demand in bankruptcy. Judgment dealt with whether a debt based on contract containing a foreign jurisdiction clause can be the basis of a petition.
- *Oyston v Rubin* [2020] EWHC 1726 (Ch), [2021] EWHC 448 (Ch), [2021] EWHC 1120 (Ch) – acting for court-appointed receivers in a challenge to their account in a complex and high-value receivership; led by Mark Phillips KC.
- *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 KC.
- *Discovery (Northampton) Ltd v Debenhams Retail Ltd* [2019] EWHC 2441 (Ch) – the Debenhams CVA challenge; acting for the Company led by Tom Smith KC and Richard Fisher KC.
- *Bhogal v Knight* [2018] EWHC 2952 (Ch) – on costs in a successful challenge to an IVA supervisor's rejection of a claim.

Examples of current and recent work:

- Acting for a director in an application under s. 212 of the IA 1986 relating to participation in a tax scheme.
- Acting as junior counsel for the liquidators in an application under s. 212 of the IA 1986 in a claim relating to share trading.
- Acting for a trustee in bankruptcy in an application for a declaration of ownership over property subject to an allegedly sham trust deed.
- Acting for a director in a transaction at an undervalue claim relating to a share transfer.
- Obtaining an administration order with retrospective effect where an administration was accidentally allowed to lapse prior to the sale of a major asset.
- Successful defence of a winding up petition based on a judgment debt which the company proposed to dispute in further proceedings.
- Acting for a creditor in obtaining an administration order over an English holding company for a well-known and high value Indian business without notice to the company directors where fraud was alleged.
- Various advisory work for individual and corporate creditors: advising a high-value creditor on challenge to an individual voluntary arrangement, advising a creditor relying on a contract in need of rectification in negotiations with a debtor, advising a high value creditor on issues relating to jurisdiction in proposed bankruptcy proceedings.
- Various advisory work for directors accused of wrongdoing: advising a director in relation to an alleged preference.

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, hearings to determine whether a petition is disputed in

- good faith on substantial grounds and just and equitable winding up;
- 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.

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 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.

Current and recent work includes:

- Acting for the petitioner in an unfair prejudice petition.
- Obtaining an amendment to the companies register to remove confidential information at short notice.
- Various advisory work: Advising on the impact of the reflective loss principle in a prospective claim against company directors, advising a minority shareholder on unfair prejudice and just and equitable remedies, strategic advice over a period to a heavily invested shareholder and

creditor on dealing with a balance sheet insolvent company.

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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

R3, INSOL

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## Publications

*Insolvency and Economic Disaster*, with Sir William Trower and Mark Phillips KC, forthcoming in edited volume in honour of Professor Sarah Worthington, Hart Publishing

Journal of International Banking and Finance Law, forthcoming 2021, *Limited Recourse Lending*

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:

*Nolan and Smith on Company Voluntary Arrangements* (Oxford University Press), forthcoming

*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