

Madeleine Jones

Called to the Bar 2015

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

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, insolvencies, administrations and individual and company voluntary arrangements. She has also advised on insolvency law questions arising in other common law jurisdictions, including the Dubai International Financial Centre, Jersey and the BVI.

Around half of Madeleine's practice is commercial work without an insolvency element. She regularly appears in summary judgment and strike out applications and has experience of other applications under the Civil Procedure Rules and the Companies Act 2006.

During her first year of practice, Madeleine undertook a three-month secondment to the Financial Markets Dispute Group at Dentons UKMEA LLP, in London. Through this and through her other work in practice she has obtained familiarity with various issues arising within the financial services sector.

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.

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 for injunctions to restrain presentation or advertisement of winding up petitions;
- All stages of the creditors' winding up petition process, including 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.

Examples of Madeleine's work in pupillage include:

- Drafting skeleton arguments for an order pursuant to section 899 of the Companies Act 2006 sanctioning a proposed scheme of arrangement (assisting Tom Smith QC), and a hearing under s.236 of the Insolvency Act 1986 (assisting Marcus Haywood)
- Producing opinions on the legal matters arising from a proposed final distribution of trust funds held by a corporate trustee in liquidation (assisting Richard Fisher), on the restructuring of debt within a corporate group (assisting Daniel Bayfield QC) and on complaints made by the Institute of Chartered Accountants in England and Wales about the conduct of an administration (assisting William Trower QC)
- Producing research notes on the EU Directive on the re-organisation and winding-up of credit institutions (assisting Daniel Bayfield QC and Gabriel Moss QC), the legal issues arising from an application to sanction a scheme of arrangement under the Companies Act 2006 (assisting Daniel Bayfield QC) and on procedure in bankruptcy petitions (assisting William Willson).

Banking and Finance

Madeleine has advised on various issues arising within the financial services sector including 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.

In pupillage Madeleine assisted on a number of banking and finance cases, most notably ***BNY Mellon Corporate Trustee Services v LBG Capital No 1 [2016] UKSC 29***, a case about the redemption of novel capital notes by Lloyds Bank (produced several research notes for Stephen Robins). Other examples of work in this area carried out during pupillage include:

- Drafting a Particulars of Claim and opinion in respect of a proposed claim for restitution against a bank for a company whose account had been used as part of a carousel fraud (assisting Gabriel Moss QC).
- Producing research notes or advice on charges of conspiracy and malicious prosecution against an accountancy firm and bank (assisting Stephen Robins), a bank's liability to pay a bonus to a former employee under his contract of employment (assisting Daniel Bayfield QC) and a bank's liability in a complex cross-border insolvency (assisting Georgina Peters).

Commercial Litigation and Arbitration

Madeleine often drafts statements of case and appears as sole counsel in contractual disputes in the County Court. She was also recently instructed as sole counsel in a High Court contractual dispute and has experience of freezing order applications.

During pupillage Madeleine assisted on several commercial cases and arbitrations, most notably ***Edgeworth Capital Luxembourg S.A.R.L., Aabar Block S.A.R.L. v Ramblas***

Investments B.V., a case on the construction of finance documents and penalty clauses (assisted William Willson in drafting Supplemental Skeleton Argument and by producing research notes), and a LCIA arbitration regarding the purchase of an Ukrainian agri-business (assisted Tom Smith QC with legal research and preparation for the cross-examination of expert witnesses). Other examples of her work in this area during pupillage include:

- Producing a draft Defence and Counterclaim in a claim for breach of contract against an accountancy firm (assisting Richard Fisher),
- Drafting a Skeleton Argument in an application for security for costs in respect of a high value claim relating to a property development venture (assisting William Willson),
- Producing an opinion on a draft Points of Claim brought by a creditor against an insolvent Corporate Member of The Society of Lloyd's (assisting Richard Fisher).

Company

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

Examples of her work include:

- Drafting an advice on the construction of a shareholders' agreement and the validity of drag-along provisions in the context of a proposed sale of a corporate group (assisting Daniel Bayfield QC).
- Producing research notes on the law of reflective loss (assisting William Willson).

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.

In pupillage Madeleine produced legal notes on misrepresentation and conspiracy (assisting Stephen Robins) and the law of following and tracing assets (assisting Marcus Haywood, Mark Philips QC and Michael Crystal QC).

Offshore

In practice Madeleine has undertaken advisory work relating to offshore matters. She has advised on insolvency and bankruptcy law matters relating to Jersey law, BVI law and DIFC law. She has also advised on aspects of some high value trusts litigation in Jersey.

During pupillage Madeleine assisted on several offshore matters. The two most significant cases were ***Saad Investments***, a multi-billion dollar fraud claim ongoing in the Cayman (produced several research notes for Marcus Haywood, Mark Philips QC and Michael Crystal QC) and ***Primeo Fund v HSBC***, a billion dollar claim arising out of the Madoff fraud pending in the Cayman Islands (produced several research notes for William Willson). Other examples of work with an offshore element which Madeleine undertook include:

- Drafting a skeleton argument for an application to strike out a winding up petition in the DIFC (assisting David Allison QC).
- Producing notes on such matters as the nature of a deposit for the purpose of banking law in a Caribbean jurisdiction (assisting Richard Fisher and Michael Pascoe QC) and on the treatment of a secured charge in a liquidation in the BVI (assisting Richard Fisher).

Career

July 2015 Called to the Bar of England and Wales

Memberships

INSOL, Turnaround Market Association

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) 7th edition, 2018

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

European Cross Border Insolvency (Sweet & Maxwell) 2017

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

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

Languages

French, Italian, conversational German

Interests

Literature, Classics