

Stefanie Wilkins

2006 (Australia); 2017 (England and Wales)

+44 (0)20 7696 9900

stefaniewilkins@southsquare.com



Stefanie is an experienced litigator, who was first admitted to practice as a barrister and solicitor of the Supreme Court of South Australia in 2006. She has extensive experience in complex and large-scale commercial litigation and insolvency from her practice in Australia. Stefanie was called to the bar of England and Wales in 2017, and joined chambers in 2018 after completing pupillage.

Before joining South Square, Stefanie practised for several years as a Senior Associate at Lipman Karas, a leading firm specialising in insolvency and commercial litigation, with offices in Australia, Hong Kong and London. She frequently worked as a member of a team, working closely with senior and junior counsel, and well understands the pressures facing solicitors instructed in commercial litigation. Stefanie also worked for two years as Associate (judicial assistant) to the Honourable Justice Sulan in the Supreme Court of South Australia, and was an intern at the International Criminal Tribunal for the Former Yugoslavia.

Stefanie graduated from the Bachelor of Civil Law with Distinction from University College, Oxford, and was jointly awarded the prize for Principles of Civil Procedure. She completed the BCL as a recipient of the Sir Robert Menzies Memorial Scholarship in Law. Stefanie holds undergraduate degrees in Law and Civil Engineering, both with first class honours, from the University of Adelaide.

Stefanie has published several academic works in the field of civil procedure, and has taught contract law at the University of Adelaide.

Insolvency & Restructuring

Notable cases in which Stefanie has been involved during pupillage or in practice include:

- *Re OJSC International Bank of Azerbaijan* – application for a permanent moratorium under the Cross Border Insolvency Regulations 2006, raising a question as to the applicability of the Gibbs rule (appeal listed for October 2018) (as a pupil, assisting Richard Fisher).
- *Re Watford Printers Ltd* [2018] EWHC 329 (Ch) – application for directions by liquidator in relation a surplus that had arisen in the course of a co-operative societies' voluntary liquidation (as a pupil, assisting Marcus Haywood).
- *Re Agrokor* [2017] EWHC 2791 (Ch) – recognition of the Agrokor extraordinary administration under the Cross-Border Insolvency Regulations (as a pupil, assisting William Willson).
- *ITC Limited v Timbercorp Limited* (2009) 76 ACSR 467; [2009] SASC 342
(At Lipman Karas) Represented ITC Limited in urgent proceedings against the liquidators of Timbercorp Limited to enforce option rights over a large woodchip export facility in Western Australia, and to restrain the liquidators from selling Timbercorp's interest to a third party. The proceedings were litigated urgently through to a judgment in ITC's favour within one month.

Banking & Finance

Cases in which Stefanie has been involved during pupillage or in practice include:

- *Citibank NA, London Branch v Oceanwood Opportunities Master Fund* [2018] EWHC 448 (Ch), application by security trustee for directions in relation to the construction of an inter-creditor agreement (as a pupil, assisting Marcus Haywood).
- *Citibank NA, London Branch v Oceanwood Opportunities Master Fund* [2018] EWHC 305 (Ch), jurisdiction dispute in relation to application by security trustee for directions in relation to the construction of an inter-creditor agreement (as a pupil, assisting Marcus Haywood).
- *Elders Forestry Limited v BOSI Security Services Limited & Ors* (2010) 80 ACSR 122; [2010] SASC 223

(At Lipman Karas) Represented Elders Forestry Limited in urgent proceedings against the security trustee for a syndicate of three large banks. The banks had security over a 50% interest held by Elders' joint venture partner in an incorporated JV, and refused to release that security to facilitate an acquisition by Elders of a 100% interest pursuant to default option rights in the shareholders' deed. The proceedings involved urgent injunctive relief to restrain a third party sale by the syndicate banks and was litigated through to judgment in five months, the Court finding in Elders' favour. See also *Elders Forestry Ltd v BOSI Security Services Ltd & Ors Nos. 2 and 3* [2010] SASC 226 and [2010] SASC 228.

Commercial Litigation & Arbitration

Notable cases in which Stefanie has been involved during pupillage or in practice include:

- *Citibank NA, London Branch v Oceanwood Opportunities Master Fund* [2018] EWHC 448 (Ch), application by security trustee for directions in relation to the construction of an inter-creditor agreement (as a pupil, assisting Marcus Haywood).
- *Citibank NA, London Branch v Oceanwood Opportunities Master Fund* [2018] EWHC 305 (Ch), jurisdiction dispute in relation to application by security trustee for directions in relation to the construction of an inter-creditor agreement (as a pupil, assisting Marcus Haywood).

Company

Notable cases in which Stefanie has been involved during pupillage or in practice include:

- *One.Tel Limited (in liq) v Packer & Ors*
(At Lipman Karas) Represented the special purpose liquidator of One.Tel in a dispute in the Equity Division of the New South Wales Supreme Court in relation to the company's 2001 collapse following the withdrawal of an AU\$132 million renounceable rights issue. The proceedings concerned claims against entities connected to some of the company's former high profile directors for breaches of directors' duties and in connection with the abandoned rights issue. The matter settled favourably before trial.

- Drafting particulars of claim in respect of causes of action against former directors concerning pre-liquidation transactions (as a pupil, assisting Adam Al-Attar).
 - Drafting a skeleton argument in support of a Part 8 claim seeking an order under section 125 of the Companies Act 2006 that a company register a transfer of shares (as a pupil, assisting Stephen Robins).
 - Drafting an advice on a proposal to issue additional equity in a company (as a pupil, assisting Stephen Robins).
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Other

Notable cases in which Stefanie has been involved during pupillage or in practice include:

- *Elders Rural Services & Anor v The Registrar of Plant Breeder's Rights & Anor* (2012) 199 FCR 520; [2012] FCAFC 14
(At Lipman Karas) Represented the holder of plant breeders' rights in an application for a declaration and injunctive relief against the Australian Commonwealth Government concerning the duration of those rights. The case turned on the proper construction of legislative provisions, and the relief sought was ultimately granted by the Full Court of the Federal Court of Australia.
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Publications

Books

Zuckerman, Wilkins, Adamopoulos, Higgins, Hooper and Vial, *Zuckerman on Australian Civil Procedure* (2018, LexisNexis)

Articles

Common Fund Orders in Australia: A New Step in Court Regulation of Litigation Funding: *Money Max Int Pty Ltd (Trustee) v QBE Insurance Group Limited* [2016] FCAFC 148 (2017) 36 *Civil Justice Quarterly* 133

Access to Justice: A Critical Analysis of Recoverable Conditional Fees and No Win No Fee Funding (Book Review) (2016) 35 *Civil Justice Quarterly* 89

Collins v Gordon: Is Postponing a Trial a Measure of Last Resort? (2009) 28 *Civil Justice Quarterly* 306

The Constitutional Limits on Bills of Rights Introduced by a State or Territory (2007) 35 *Federal Law Review* 431

Education & Qualifications

2017 - Called to the Bar (England and Wales)

2011 - Admitted to the Register of Practitioners of the High Court of Australia

2009 - Bachelor of Civil Law, Distinction (University College, Oxford)

2006 - Admitted as a barrister and solicitor in the Supreme Court of South Australia

2006 - Bachelor of Laws, First Class Honours (University of Adelaide)

2003 - Bachelor of Civil Engineering, First Class Honours (University of Adelaide)

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Prizes & Scholarships

2009 Clifford Chance prize for Principles of Civil Procedure (BCL prize)

2008 Sir Robert Menzies Memorial Scholarship in Law (Australian scholarship for BCL)

Interests

Distance running, travel, cricket