

## Martin Pascoe KC

KC 2002, Called to the Bar 1977

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Martin's recent practice includes acting as lead counsel for the administrators of *MF Global*, the first administration of an investment bank under the new 2011 special administration regime. He is described as renowned for his role in high-profile, international-scale insolvency cases, and as having persuasive advocacy skills. Martin is also a popular choice for City and International firms in complex multi-jurisdictional high-value cases and is well known for leading the counsel team for the State of Brunei in its worldwide claims against HRH Prince Jefri and others to recover US\$20 billion of misapplied public funds, including appearing in Brunei, the Cayman Islands and the UK (both High Court and Privy Council).

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## Insolvency and Restructuring

Recent cases include:

- ***Phoenix Group v Joint Liquidators of Unicorn Worldwide Holdings Ltd*** (2020) BVIHCMAP 2020/019 (Eastern Caribbean CA, 17 November 2020) (acting for the Joint Liquidators in resisting challenge to sanction of a partial compromise of pending English Commercial Court proceedings)
  - ***Discovery (Northampton) Ltd v Debenhams Retail Ltd*** [2019] EWHC 2441 (acting for secured lenders to the Group in resisting the challenge to Debenhams' CVA).
  - ***MF Global UK Services Limited*** (in administration) [2016] WLR (D) 318 (test for contract to be implied from conduct)
  - ***Nordic Trustee ASA*** [2016] EWHC 25 (Ch) (duties of disclosure in CBIR recognition applications)
  - ***MF Global*** [2014] EWHC 2222 (closure of client money pool)
  - ***Heritable Bank v Landsbanki Islands hf*** [2013] 1 WLR 725 (Supreme Court) (jurisdiction and choice of law issues as between Iceland and Scotland under the Credit Institutions Reorganisation and Winding-Up Regulations 2004)
  - ***MF Global*** [2012] EWHC 3415 (affiliates' litigation: interim issues)
  - ***MF Global*** [2012] BCC 490 (validity of out of court appointment of administrators over subsidiary companies)
  - ***LB Re Financing (No 3)*** [2011] EWHC 2011 (construction of Event of Default provisions in Lehman securitisation)
  - ***La Seda de Barcelona*** [2011] BCLC 555 (scheme of arrangement - release of third parties)
  - ***Du Preez v KSF (Isle of Man)*** [2011] WTLR 559 (IoM Staff of Government Division) (effect of bank insolvency on uncompleted payment instructions, Quistclose trusts)
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## Commercial Litigation and Arbitration

Recent cases include:

- **Re Gerald Smith** [2017] EWHC 3332 (Comm) (acting for BVI liquidators in multi-party litigation over assets and shareholdings in complex group)
- **Hayfin v Windermore** [2016] EWHC 782 (Ch) (implied terms/construction issues in euro securitisation)
- **Greenwich v Dowling** [2014] EWHC 2451 (freezing injunctions; disclosure requirements)
- **SerVaas v Rafidain Bank** [2013] 1 AC 595 (Supreme Court) (scope of the commercial purposes exception to immunity from attachment pursuant to s.13 State Immunity Act 1978, and its application to claims in an English scheme of arrangement)

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## Awards and Recommendations

Chambers & *"He is quite exceptional"*

Partners *"He is calmness personified, even when under fire. Nothing rattles him"*

*"Renowned for his role in high-profile, international-scale insolvency cases"*

*"Persuasive advocacy skills and intuitive approach on his feet"*

*"Very effective advocate without the unnecessary aggression of others"*

*"Very good to work with; has an excellent feel for how the Judge will look at things"*

Legal 500 *"A highly committed and user-friendly silk"*

*"A great advocate, who takes the judge with him and doesn't overstate his case"*

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## Career

2002 Appointed King's Counsel

1994 Called to the Bar of British Virgin Islands

1977 Called to the Bar of England and Wales

Called *ad hoc* to the Bars of Bermuda, Cayman Islands and Isle of Man for specific cases

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## Memberships

Commercial Bar Association

Chancery Bar Association

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## **Education and Qualifications**

1976 Oxford University, BCL, First Class

1975 Christ Church, Oxford University, BA Jurisprudence, First Class

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## **Prizes and Scholarships**

Eldon Scholar