



IAIN SHIPLEY

CALL – 2019

*“Iain is focused, commercial and legally sharp...
a genuine pleasure to work with.”*

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Iain is a commercial Barrister with an extensive range of experience in civil disputes with a focus on general commercial, insolvency, fraud-related, and professional negligence disputes.

Iain regularly appears in the High Court and County Court.

Iain is also a qualified South African attorney (currently non-practising), having completed his training contract at ENSafrica in Cape Town, where he worked on a variety of commercial matters involving opinions on company law, contract law, and public procurement law, drafting and reviewing commercial contracts, and the establishment and restructuring of South African companies.

AREAS OF EXPERTISE

Commercial Litigation

Iain regularly advises on, drafts pleadings in, and appears in commercial litigation cases. Iain's practice is a broad mix of being led as well as acting as sole counsel.

Notable Commercial Litigation Cases

- Being led by Francis Tregear KC of XXIV Old Buildings, acting in an LCIA arbitration for a prominent celebrity being sued for c.£7m for litigation funding monies allegedly owed (Seat London, English Law). The matter settled on favourable terms.
- Being led by Laurence Emmett KC of One Essex Court and advising on a claim by a property development personal services company for commission owed to it pursuant to a consultancy agreement in relation to the development of the UK's largest solar park, with an estimated claim value of more than £3m.
- Being led by David McIlroy, acting for the liquidators for a company claiming against a firm of solicitors for breach of contract and/or negligence in relation to its advice about the lawfulness of

dividends, valued in excess of £6m.

- Being led by Paul O'Doherty in a claim by a professional football club against (amongst others) its former directors and shareholders for breach of directors' duties, procuring a breach of contract, unjust enrichment, breach of trust, and conspiracy, with an estimated claim value of more than £3m.
- Acting for a defendant former director being sued for c.£20m for breaches of fiduciary duty, including for allegedly misappropriating c.£10m worth of company funds.
- Acting for administrators of a company in a claim against a former director for breach of directors' duties and/or trust valued at c.£2m. Successfully obtaining a freezing injunction against the defendant.
- Acting for a defendant commercial landlord being sued for disrepair and misrepresentation valued at c.£500,000. The matter settled on favourable terms at trial.
- Acting for a defendant in a claim for breach of a restrictive trade covenant and unlawful means conspiracy valued at c.£2m.
- Representing a professional football club in the High Court and successfully defending against a breach of contract claim by a lender for repayment of a loan purportedly due and owing. The claim was dismissed with costs: *Necarcu Ltd v Oldham Athletic (2004) Association Football Club Ltd [2023] EWHC 2096 (Comm)*.
- Acting for a mortgage lender claiming possession and mortgage arrears, where the occupant of the mortgaged property alleged that the property had been fraudulently transferred to the registered proprietor. The matter settled on favourable terms at trial.
- Acting for a property development company claiming for payment of an introduction fee for introducing development land to a joint venture partnership. The claim settled on favourable terms shortly before trial.
- Acting for an individual defrauded of property purchase monies following an authorised push payment fraud, and obtaining an urgent worldwide freezing injunction and Norwich Pharmacal / Bankers Trust order, ultimately leading to the recovery of the majority of the funds.
- Acting for a Bangladeshi company challenging the jurisdiction of an arbitral tribunal (purportedly appointed under the rules of the International Cotton Association (Seat Liverpool, English law).
- Advising on a claim involving breach of contract, negligence, breach of statutory duty, and misrepresentation against a financial services provider, valued in excess of £4m.
- Advising on a Singapore Arbitration, concerning a cryptocurrency exchange in relation to a security agreement (Seat Singapore, English Law).
- Acting for a defendant homeowner being sued by an architect in a construction arbitration governed by the Construction Industry Model Arbitration Rules.

Insolvency

Iain regularly appears in the High Court in insolvency-related matters.

Notable Insolvency Cases

- Being led by Paul O'Doherty and acting for a defendant former director of a company, in a claim against them by the administrators of the company valued at c.£6m for (amongst others) breach of directors' duties in relation to loans allegedly improperly made to him while the company was insolvent.
- Being led by David McIlroy, acting for the liquidators for a company claiming against a firm of solicitors for breach of contract and/or negligence in relation to its advice about the lawfulness of dividends, valued in excess of £6m.
- Acting for administrators of a company in a claim against a former director for breach of directors' duties and/or trust valued at c.£2m. Successfully obtaining a freezing injunction against the defendant. The matter has settled on favourable terms.
- Acting for a shareholder/director of a quasi-partnership company who had been accused of sexual misconduct against the other quasi-partner in consolidated unfair prejudice and winding up proceedings.
- Acting for a former director of an insolvent company, successfully obtaining permission under s.216(3) of the Insolvency Act 1986 to act as a director of a company / business using a prohibited name.
- Successfully obtaining a winding up order in respect of a working men's club established in 1909 on just and equitable grounds.
- Acting for a petitioner in a public examination of a bankrupt.

Professional Negligence

Notable Professional Negligence Cases

- Being led by David McIlroy, acting for the liquidators for a company claiming against a firm of solicitors for breach of contract and/or negligence in relation to its advice about the lawfulness of dividends, valued in excess of £6m.
- Advising on a claim involving breach of contract, negligence, breach of statutory duty, and misrepresentation against a financial services provider, valued in excess of £4m.
- Advising on a professional negligence claim against a firm of accountants worth £1m with a significant cross border element.

Civil Fraud

Iain has a growing civil fraud practice and regularly appears in matters involving civil fraud, including applications for civil forfeiture of the proceeds of crime, claims for asset recovery (including urgent interim applications for freezing injunctions and information orders), and claims involving allegations of dishonesty, breach of trust, and conspiracy.

Notable Civil Fraud Cases

- Being led by Paul O'Doherty in a claim by a professional football club against (amongst others) its former directors and shareholders for breach of directors' duties, procuring a breach of contract, unjust enrichment, breach of trust, and conspiracy, with an estimated claim value of more than £3m.
- Acting for a defendant former director being sued for c.£20m for breaches of fiduciary duty, including for allegedly misappropriating c.£10m worth of company funds.
- Acting for administrators of a company in a claim against a former director for breach of directors' duties and/or trust valued at c.£2m. Successfully obtaining a freezing injunction against the defendant. The matter has settled on favourable terms.
- Acting for a defendant in a claim for breach of a restrictive trade covenant and unlawful means conspiracy valued at c.£2m.
- Acting for an individual defrauded of property purchase monies following an authorised push payment fraud, and obtaining an urgent worldwide freezing injunction and Norwich Pharmacal / Bankers Trust order, ultimately leading to the recovery of the majority of the funds.

Injunctions

Iain is experienced in dealing with interim injunctions, including freezing injunctions, information order injunctions, and injunctions restraining presentation and advertising of winding up petitions.

Arbitration

Iain is a Member of the Chartered Institute of Arbitrators, and is regularly involved in international and domestic arbitration matters.

Notable Arbitration Cases

- Being led by Francis Tregear KC of XXIV Old Buildings, acting in an LCIA arbitration for a prominent celebrity being sued for c.£7m for litigation funding monies allegedly owed (Seat London, English Law). The matter settled on favourable terms.
- Acting for a Bangladeshi company challenging the jurisdiction of an arbitral tribunal (purportedly) appointed under the rules of the International Cotton Association (Seat Liverpool, English law).
- Advising on a Singapore Arbitration, concerning a cryptocurrency exchange in relation to a security agreement (Seat Singapore, English Law).
- Acting for a defendant homeowner being sued by an architect in a construction arbitration governed by the Construction Industry Model Arbitration Rules.

Property Litigation

Iain regularly advises on, drafts pleadings for, and appears in residential property disputes, including mortgage possession hearings and appeals, and residential tenancy possession proceedings. Iain has acted for mortgagees, private and social landlords, and tenants.

Notable Property Litigation Cases

- Acting for a mortgage lender against a registered owner and occupier of a property in possession proceedings where the occupier alleged that the property had been fraudulently transferred to the registered owner, and asserted that her rights were interests which overrode the lender's right to possession. The claim settled on favourable terms on the day of trial.
- Acting for a defendant commercial landlord being sued for disrepair and misrepresentation valued at c.£500,000. The matter settled on favourable terms at trial.

Qualifications

- Called to the Bar: 2019
- Admitted as a Solicitor of the Senior Courts of England and Wales: 2017 (no longer on the roll, having transferred to the Bar)
- Admitted as an Attorney of the High Court of South Africa: 2014 (currently non-practising)
- LLB, University of Cape Town
- BCom (Economics and Law), University of Cape Town

Professional Bodies

- Member, Chancery Bar Association
- Member, R3 Association of Business Recovery Professionals
- Member, Fraud Lawyers Association
- Member, Professional Negligence Lawyers Association
- Member, Chartered Institute of Arbitrators (MCI Arb)
- Member, South Eastern Circuit
- Member, South African Chamber of Commerce (UK)