



## Lexa Hilliard QC

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QC: 2009

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### Clerks' Details

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### Publications

- Contributor to *Company Directors Duties, Liabilities and Remedies* (Ed. Mortimore OUP).
- She is also currently involved in the new edition of *Shareholders' Agreements* (Thomson Reuters).

*“She has a fierce intellect and an easy manner with clients.”*

Chambers & Partners, 2016

## Practice Overview

Lexa Hilliard QC is a popular and well-respected silk who is recommended by the legal directories for commercial dispute resolution, commercial chancery, company, insolvency and professional negligence. Her expertise also covers arbitration, banking and finance as well as fraud.

Clients note that she is: *“keenly commercial, incredibly passionate and works seamlessly with the team”* and that she has: *“hugely impressive advocacy skills and strategic input”*. She regularly handles high value, legally complex cases in both the domestic and international market, acting both as advocate and expert. She has particular experience of cross-border litigation, often involving an insolvency or civil fraud angle. Her ability to be *“highly inventive and always think of new ways to approach a case”* allied to her: *“no-nonsense approach”* ensure her success with judges and tribunals as well as clients.

The recent edition of Chambers & Partners describe her as *“confident, extremely thorough, very easy to deal with, and someone with an incredibly high intellect.”* *“She’s got a great courtroom style – everything is very carefully thought through. She is also a lovely person to deal with.”* Chambers & Partners, 2016

She handles a wide range of substantial claims, especially those touching upon professional negligence, insolvency and company issues. Her practice is further strengthened by her abilities as a mediator. *“Her performance was excellent – she was really on top of all aspects of the case. Her performance on paper and her delivery to the judge were excellent, and she was available night and day and at short notice.”* Chambers & Partners, 2016

Between 1990 and 2011, she practised from South Square. Prior to that she lectured in law at Durham University.

She regularly provides talks, podcasts and webinars and is on the Commercial Litigation Editorial Board of Lexis PSL.



## Insolvency

Lexa has been recommended by both Chambers UK and Legal 500 for many years for insolvency. She is also recommended by both for company work. Consistently noted for being a "*high hitter*" and "*good with multi-jurisdictional issues*", she is praised for being "*highly responsive and an astute strategist*".

Lexa's insolvency practice covers all aspects of corporate restructuring and insolvency. She advises creditors, directors, companies and office holders on a wide variety of corporate insolvency matters including, liquidation, administration, schemes of arrangement, CVAs and other less formal work-outs. Her contentious insolvency work covers asset tracing, the setting aside of prior transactions, wrongful and fraudulent trading and directors' disqualification.

Her work often has an international dimension which, as the legal directories point out, means that she is "*particularly adept at advising on cross-border insolvency issues*".

Representative cases include:

- ***Baha Mar Ltd***: (2016) advising in connection with a large number of issues arising out of the receivership and provisional liquidation of a US\$5 billion development in the Bahamas.
- ***Re Barrowfen Properties Limited***: (2016) acting for the majority shareholder in an application to terminate an administration and return the company to its shareholders.
- ***Re China Fisheries Group Limited***: (2016) acting for opposing creditor, China CITIC Bank International, in the Grand Court of the Cayman Islands resisting a winding up order being made against China Fisheries Group Limited.
- ***Re Daiichi Chuo Kisen Kaisha***: acting for China National Chartering Co Ltd in connection with Daiichi's application for recognition of its Japanese rehabilitation proceedings as a foreign main proceeding under the Cross Border Insolvency Regulations 2006.
- ***O W Bunker in Bankruptcy*** (2015): instructed on behalf of an English creditor in this large Danish insolvency.
- ***A v. B*** (July 2015) instructed by on behalf of Sean Dunne (an erstwhile substantial Irish property developer who has been made bankrupt in the Republic of Ireland and the US) in an application before the Supreme Court of Ireland (Ireland's final court of appeal) concerning the interaction of US and Irish insolvency law. Judgment awaited.
- ***Alard Properties Limited***: (July 2015) instructed on behalf of Deutsche Pfandbriefbank AG in relation to a substantial application to put a Jersey company into administration in England.
- ***Re Stanford International Bank*** (2015 ongoing): instructed on behalf of the former joint liquidators in relation to their claim for fees in Antigua.
- ***Re Burry & Knight Ltd*** [2014] 1 WLR 4046: instructed on behalf of a shareholder in an appeal concerning construction of new provisions of the Companies Act 2006, access to information and right to inspection and take copies of the register of members.
- ***O'Connell v Rollings*** [2014] EWCA Civ 639: instructed on behalf of administrators in an appeal concerning administrators' powers to dispose of property subject to a fixed charge.
- ***Re Southern Pacific Personal Loans*** [2013] 2 BCLC 465: instructed on behalf of the liquidators in an application concerning the Data Protection Act 1998; whether officeholders were data controllers.
- ***Re Miss Sixty S.p.A*** (2013): instructed on the behalf of the liquidators of Miss Sixty (UK) Ltd to provide expert evidence on English law for the purpose of proceedings in Italy.
- ***Re Hellas Telecommunications (Luxembourg) II SCA*** [2013] 1 BCLC 426: instructed on behalf of subordinated bondholders in a case concerning powers of administrators, trust funds, compulsory liquidation.
- ***Re Travelodge Hotels Limited*** (2012- ongoing): instructed in connection with a claim by a Tunisian hotel creditor seeking to pursue its claim in a foreign arbitration and thereby circumvent Travelodge's company voluntary arrangement.



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## Insolvency continued

- *Glennrines Farms Ltd v ACAL Underwriting Ltd* [2012] EWHC 4336 (Ch): instructed on behalf of Mitsui & Co Ltd in a case concerned with Lloyd's managing agents and purpose trusts.
- *Farepak Food & Gifts Ltd* [2007] 2 BCLC 1 [2009] EWHC 2580 (Ch) [2010] 1 BCLC 444: instructed on behalf of the administrators and liquidators in relation to a variety of issues arising out of the collapse of a savings scheme.
- *Re Alitalia Linee Aeree Spa* [2011] 1 WLR 2049: instructed on behalf of the Italian liquidator in a claim to assets subject to the liquidation of Alitalia in England.
- *D/S Norden A/S v. Samsun Logix Corporation* [2009] BPIR 1367: instructed on behalf of South Korean receiver of Samsun Logix, which was subject to insolvency proceedings in South Korea, re application to commence legal proceedings in England.
- *Re Madoff Securities International Limited* [2009] 2 BCLC 78: instructed on behalf of the liquidators of Madoff Securities International Limited in relation to an application concerning the Data Protection Act 1998 and the transfer of data from the UK to the US. Instructed periodically up to 2014 on discrete issues arising in the liquidation.