



## Elizabeth Houghton

Call: 2014  
(2011 Western Australia)

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### Clerks' Details

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### Qualifications and Appointments

- MPhil, Exeter College, Oxford, Distinction
- BCL, Exeter College, Oxford, Distinction
- LLB, University of Western Australia, First Class Honours
- BCom, University of Western Australia
- Diploma of Modern Languages (French), University of Western Australia

*“Bright, hard working and clear-thinking.”* The Legal 500, 2022

### Scholarships and Prizes

- Amelia Jackson scholarship, Oxford (2013-2014)
- BCL Subject Prize (Best Paper in Criminal Justice & Human Rights), Oxford (2013)
- Tobias Prize in Law, Oxford (2013)
- The Times Law Prize – Runner Up (2013)
- Shearman & Sterling Moot Competition, 1st place, Oxford (2014)

### Practice Overview

Elizabeth has a very broad commercial chancery practice. She frequently appears in the High Court, County Court and tribunals, both in led teams and in her own right. She is often instructed in complex commercial matters with an international element.

Recent work has involved jurisdictions including the Isle of Man, Cayman Islands, Jersey, Mauritius, Andorra, Switzerland, Italy, Russia and the Marshall Islands.

Elizabeth's work frequently involves asset tracing across a number of jurisdictions and working closely with insolvency practitioners, litigation funders and other professionals.

Her primary areas of practice are:

- All facets of contentious and non-contentious trusts and private client work, including large offshore disputes in jurisdictions such as the Isle of Man and Hong Kong.
- Commercial disputes involving claims for breach of contract, misrepresentation and breach of fiduciary duties.
- Insolvency matters and civil fraud claims, often involving offshore entities and assets.
- Arbitration, and the enforcement of foreign arbitration awards in England.
- Professional liability including claims against solicitors and auditors.
- Regulatory disputes, including acting for the Financial Reporting Council and the Pensions Regulator.

### Recent notable matters include:

- Acting for several offshore trustees in a long-running and multi-jurisdiction dispute involving allegations of sham, led by Robert Ham QC (ongoing).
- Acting for offshore trustees in a complex forced heirship dispute, involving difficult questions of exclusive jurisdiction and protector issues, led by Robert Ham QC (ongoing).
- *Akhmedova v Akhmedov* [2019] EWHC 1705 (Fam), led by Tim Penny QC. Instructed in an application seeking further freezing order relief on notice to prevent assets being removed from Dubai in support of the applicant's financial relief award of approximately £500 million in the Family Division. Mrs Justice Knowles accepted that there was a good arguable case that individual directors of the corporate director respondent were to be treated as 'de facto' directors of the respondent.



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## Practice Overview continued

- Acting for the investigations committee of a company to prepare a confidential report on corporate governance issues and whistle-blowing allegations, led by Terence Mowschenson QC.
- Assisting local counsel for the respondent in the Privy Council appeal of *AWF Fund v ZCM Asset Holding (Bahamas)* [2019] UKPC 37, led by Lexa Hilliard QC. The appeal concerned the extra-territorial application of the Bahamian insolvency legislation, and the jurisdictional gateway for service out of the jurisdiction.
- *Loosemore v Apsley Assets*. Appearing as sole counsel in a successful claim to have a £3.75 million gift set aside on the ground of mistake
- Acting for a litigation funder, led by Marcia Shekerdemian QC, in complex and multi-party fraud proceedings involving competing proprietary and tracing claims.
- Advising offshore trustees (as sole counsel) in relation to their defective appointment and ratification of past acts carried out in the 10 years before the defect was discovered.
- Acting for the Pensions Regulator in a claim involving allegations of misuse and misappropriation of pension scheme assets, and pensions liberation, led by Jonathan Hilliard QC and James Walmsley.
- Acting for the successful defendant in a fraud, misrepresentation, breach of fiduciary duty and breach of contract claim relating to a failed Moroccan property venture, led by Stuart Isaacs QC and Nicholas Cherryman: *Baturina v Chistyakou* [2017] EWHC 1049 (Comm).
- Acting for the Financial Reporting Council, led by Javan Herberg QC and Nicholas Medcroft, in disciplinary proceedings for misconduct against PricewaterhouseCoopers LLP and a senior audit partner relating to the former Connaught group: *Executive Counsel to the FRC v PwC and Harrison*.

Before joining the Bar in England & Wales, Elizabeth practised as a barrister and solicitor in Western Australia. She completed her studies in 2009 at the University of Western Australia with a double degree in Law (first class Honours) and Commerce (majoring in Investment Finance).

Elizabeth completed a Judicial Associateship with the Honourable Justice Newnes JA in the Supreme Court of Western Australia (Court of Appeal) in 2010 and was admitted to practice in Western Australia in 2011 where she worked for Corrs Chambers Westgarth.

Elizabeth spent two years at Exeter College, Oxford completing the BCL (Distinction) and an MPhil (Distinction). The focus of her research work was on proprietary remedies for breach of fiduciary duty, including detailed analysis of the Supreme Court decision in *FHR v Cedar Investments* and equivalent Commonwealth authorities. She was called to the Bar in England & Wales in 2014.

## Trusts, Tax, Probate and Estates

Elizabeth has extensive experience in multi-jurisdictional trust litigation. She frequently advises on trusts, probate and private client matters, trusts-in-divorce cases, and non-contentious trust issues.

Elizabeth is often instructed to advise trustees on complex trust issues. She enjoys all aspects of private client work.

### Recent cases include:

- Acting for several offshore trustees in a long-running and multi-jurisdiction dispute involving allegations of sham, led by Robert Ham QC (ongoing).
- Acting for offshore trustees in a complex forced heirship dispute, involving difficult questions of exclusive jurisdiction and protector issues, led by Robert Ham QC (ongoing).



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## Trusts, Tax, Probate and Estates continued

- Advising (as sole counsel) the trustees of an English personal injury trust in relation to difficulties in seeking financial advice out of the jurisdiction, difficulties in exercising core trust powers, and the retirement of certain of the trustees.
- Advising and drafting (as sole English counsel) a new trust for a wealthy foreign individual in an offshore jurisdiction.
- Drafting and advising on Beddoe and other blessing applications, both onshore and offshore.
- Acting (as sole English counsel) for trustees in the Isle of Man in a novel application to pay trust monies into Court.
- Advising trustees of an offshore trust in relation to their involvement in English divorce proceedings, led by Andrew Mold QC.
- Advising offshore trustees (as sole counsel) in relation to their defective appointment and ratification of past acts carried out in the 10 years before the defect was discovered.
- Appearing in applications to resist grants of probate.
- Advising on trust and insolvency issues.
- Advising in relation to offshore foundations.
- Advising on the correct interpretation of wills and codicils.

## Commercial

Elizabeth has acted and advised in a wide range of commercial disputes and company matters. Her work often involves foreign clients, entities and assets. She is comfortable advising in complex cases and enjoys the challenge of commercial litigation. Many of Elizabeth's recent cases include issues of asset-tracing and civil fraud.

### Recent cases include:

- *Akhmedova v Akhmedov* [2019] EWHC 1705 (Fam), led by Tim Penny QC. Instructed in an application seeking further freezing order relief on notice to prevent assets being removed from Dubai in support of the applicant's financial relief award of approximately £500 million in the Family Division. Mrs Justice Knowles accepted that there was a good arguable case that individual directors of the corporate director respondent were to be treated as 'de facto' directors of the respondent.
- Acting for the investigations committee of a company to prepare a confidential report on corporate governance issues and whistle-blowing allegations, led by Terence Mowschenson QC.
- Assisting local counsel in the Privy Council appeal of *AWF Fund v ZCM Asset Holding (Bahamas)* [2019] UKOC 37, led by Lexa Hilliard QC. The appeal concerned the extra-territorial application of the Bahamian insolvency legislation, and the jurisdictional gateway for service out of the jurisdiction.
- Advising a company on the enforceability of an arbitration award on the basis of illegality, led by Alan Gourgey QC.
- *Re Bangladeshi Medical Association in the UK Ltd*. Appearing as sole counsel in a dispute over corporate control of an association.
- *Loosemore v Apsley Assets*. Appearing as sole counsel in a successful claim to have a £3.75 million gift set aside on the ground of mistake.
- Appearing as sole counsel seeking orders under ss 125 and 306 Companies Act for the Court to call a meeting and rectify the company's share register.
- Acting for a litigation funder, led by Marcia Shekerdeman QC, in complex and multi-party fraud proceedings involving competing proprietary and tracing claims.



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## Commercial continued

- Acting for the successful defendant in a fraud, misrepresentation, breach of fiduciary duty and breach of contract claim relating to a failed Moroccan property venture, led by Stuart Isaacs QC and Nicholas Cherryman: *Baturina v Chistyakou* [2017] EWHC 1049 (Comm).
- Acting for the Financial Reporting Council, led by Javan Herberg QC and Nicholas Medcroft, in disciplinary proceedings for misconduct against PricewaterhouseCoopers LLP and a senior audit partner relating to the former Connaught group: *Executive Counsel to the FRC v PwC and Harrison*.
- Advising on the enforceability of a 'penalty' clause in an online gambling context.
- Advising on Anti-Money Laundering regulations.

## Insolvency

Elizabeth frequently appears in contested winding up and bankruptcy petitions, and in associated insolvency applications. She is also often instructed in related applications such as seeking charging orders and orders for sale.

### Recent cases include:

- Appearing as sole counsel in protracted joint bankruptcy petitions, involving allegations that multiple judgment debts were obtained by fraud.
- Appearing as sole counsel in a disputed winding up petition, including resisting urgent applications for validation orders in the High Court.
- Assisting local counsel in the Privy Council appeal of *AWF Fund v ZCM Asset Holding (Bahamas)* [2019] UKOC 37, led by Lexa Hilliard QC. The appeal concerned the extra-territorial application of the Bahamian insolvency legislation, and the jurisdictional gateway for service out of the jurisdiction.
- Advising a Russian trustee in bankruptcy on bringing proceedings relating to properties in England, led by Alan Gourgey QC.
- Acting for a litigation funder, led by Marcia Shekerdeman QC, in a complex and multi-party fraud proceedings involving complex proprietary and tracing claims.
- Appearing on behalf of joint administrators seeking an extension of the administration.

## Professional Liability

Elizabeth acts in a wide-range of professional liability matters, including claims against solicitors, auditors and other professionals.

### Recent cases include:

- Advising a claimant in a claim against their former solicitors relating to a property fraud.
- Acting for a claimant in relation to the negligent drafting of a will under which they were a beneficiary.
- Acting for the Financial Reporting Council, led by Javan Herberg QC and Nicholas Medcroft, in disciplinary proceedings for misconduct against PricewaterhouseCoopers LLP and a senior audit partner relating to the former Connaught group: *Executive Counsel to the FRC v PwC and Harrison*.

## International Arbitration

- Advising a company on the enforceability of an arbitration award on the basis of illegality, led by Alan Gourgey QC.
- Advising and acting for a litigation funder in relation to the enforcement of an arbitration award made in New York, involving Brazilian parties.