



Zoë Barton QC

Call: 2003

QC: 2020

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Clerks' Details

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Qualifications and Appointments

- MA (Hons) (Edin)
- Postgraduate Diploma in Law, City University
- Awarded scholarships by Gray's Inn and City University
- Member of the Chartered Institute of Arbitrators

“An impressive and formidable new silk.”

The Legal 500 2021

Memberships

- Chancery Bar Association
- Property Bar Association
- ACTAPS and ConTrA
- Professional Negligence Bar Association
- MCI Arb

Practice Overview

Ranked as a leading barrister in multiple practice areas, a strength that makes her well-suited to litigation that straddles disciplines, Zoë is “an impressive and formidable new silk” (Legal 500 2021) particularly noted for advocacy and client skills. Her practice is grounded in a strong technical understanding of property and trusts. In addition to her practice spanning the breadth of those areas, this technical expertise serves as the foundation of her civil fraud practice, which forms a significant element of her work and where the ability to establish or challenge proprietary interests and trust structures can be decisive. Zoë also practises in professional liability, typically related to her other practice areas.

Zoë is “an impressive and formidable new silk” and “astute tactician” whose “client-craft in conference is second to none” (Legal 500 2021). She is “very bright, proactive and innovative” (Legal 500 2020), “a great advocate who is very commercial and tenacious”, “brilliant tactically” (Chambers & Partners 2021) and who has “real presence” (Chambers HNW), shows “exceptional attention to detail” and “gets straight to the point and is very knowledgeable” (Chambers & Partners 2020).

Zoë is especially well-regarded for her advocacy having been described as “a concise, effective and tenacious advocate”, “a superstar advocate in the making” and somebody who “understands complex legal issues quickly and flawlessly demonstrates this through her persuasive advocacy” and “is extremely eloquent and can think quickly on her feet” (Legal 500 2019) with one solicitor commenting “she’s absolutely fabulous and is very persuasive before the court. I would not want to be on the end of a cross-examination by her” (Chambers & Partners).

Zoë “has a discerning eye for the important points in a case” (Chambers & Partners) and applies herself assiduously to her clients’ cases, combining being “very quick to get to grips with matters” with “a keen eye for detail” and being “sharp, concise and very approachable”, such that “her work is flawless”. But what sets Zoë apart from her peers is her “excellent rapport” and the way in which she “builds incredible faith in her clients”. She is “good at keeping everybody focused”, “very calm”, “very approachable, and very keen to see a good result for the client”. Zoë understands and reflects her clients’ objectives and as a fan of saying what she thinks, she “provides forthright, unwavering advice”, “does not shy away from difficult issues and gives her opinion without fear or favour” (Chambers & Partners) in “a nice manner ... that clients appreciate”, leaving “[clients] ... very impressed with her”. She knows that litigation is a war of attrition, understands the importance of strategy and uses her ability to “[deal] with the technical issues very well” to that end, creating and exploiting weaknesses in her opponents. Zoë is frequently instructed in cases that call for equitable remedies as her appreciation of where the merit lies lends itself particularly well to cases concerning the exercise of discretion.

Zoë is also a Member of the Chartered Institute of Arbitrators.



Civil Fraud

A common thread in Zoë's cases is an allegation of fraud, where being able to establish or challenge proprietary interests and set up or attack trusts structures is often of central importance and to which Zoë is able to bring her significant technical expertise in other practice areas to bear.

Her instructions involve a wide range of frauds and frequently include breaches of duty by fiduciaries, challenging antecedent transactions in insolvency, asset tracing and often concern the laws of multiple jurisdictions (including BVI, Gibraltar, states in the USA, Liberia) and raise conflict of laws issues.

Disputes also frequently involve heavily contested interim or ancillary applications, such as for freezing injunctions, proprietary injunctions, non-party disclosure or challenges to jurisdiction.

Examples of Zoë's related work include:

- Instructed in a jurisdiction challenge in respect of a claim against a Swiss domiciled defendant and issues as to effective service.
- Acting for a betting agent domiciled in Gibraltar in claims brought by the spouse of a gambling addict who gambled monies he obtained by fraud, in which she claimed an interest, with online gambling platforms. Defending claims in unjust enrichment and accessory liability (dishonest assistance, knowing receipt) for receipt of gambled monies. Advising as to jurisdiction challenge and the true scope of tort, delict and quasi-delict under the European regime.
- Acting for a claimant company in invoicing fraud perpetuated by employees, agents and suppliers of the company for 20 odd years whereby they falsely inflated supplier invoices, with the inflated portion being shared between the supplier and agent / employee. Unlawful means conspiracy and bribery claims were pursued and resulted in settlement at mediation.
- Acting for a guarantor alleged to be liable under a guarantee agreement in connection with a loan agreement by which a joint venture business borrowed monies. Issues included fraudulent misrepresentation, whether the loan agreement was binding and the enforceability of a guarantee in light execution by some only of the named parties.
- Appearing on behalf of applicant in letters rogatory request in support of proceedings in Florida valued at \$80m and which concerned threats to life following allegations of the maladministration of an estate in Barbados (from which no distributions were ever made, save to the executor himself fraudulently) over a period of more than 30 years.
- Acting in proceedings concerning the true ownership of various family business assets in a largely informally run family business upon the falling out of various brothers who were co-owners. Arguments concerning authenticity of documents, alleged resulting and constructive trusts, proprietary estoppel and unfair prejudice.
- Defending a claim brought by the former F1 boss for fraudulent misrepresentation for contracts for the sale of land and design services, alternatively repudiatory breach of contract against a developer of prestigious 'superhomes' and related land-owning parties. Raises interesting issues as to the degree of connection between the contracts and the availability of rescission.
- Acting in a successful jurisdiction challenge for a BVI domiciled client where the claimant sought the return of a multi-million pound asset which had been sold by a receiver and subsequently sold on to the BVI client. Successfully demonstrated that the Court had wrongly permitted service out of the jurisdiction without the claimant satisfying the requisite test as regards the underlying merits of the claim.
- Advising in connection with the death of a Russian businessman who had been pursued for embezzlement by the Russian authorities as to the true ownership of BVI company shareholdings and possible challenges that might be made to that ownership.



Civil Fraud continued

- Acting for the liquidators of a company which had operated an unlawful collective investment scheme and been made subject to public interest winding-up. Advising as to viable causes of action including as against professionals who received investors' monies for the fraudulent scheme on the basis of a Quincecare duty and establishing possible assets including by challenging the release of charges by the company for no money.
- Claim for non-party disclosure against a bank in connection with account documentation and instructions (as distinct from account statements) and in particular, ultimate beneficial ownership declarations, to assist in claim where the true ownership of various companies was in issue.
- Acting in a factually and legally complex multi-party dispute between members of a Greek shipping family as to the ownership of Liberian corporations, the validity of the actions of those corporations (including fraudulent changes to issued bearer shares, articles and directors), question of vires as to contracts entered into by the corporations and disguised distributions of capital.
- Acting in a claim regarding an alleged transaction to defraud creditors by the grant of an overriding lease, in particular as to whether the price was the fair market value.
- Advising as to the best use of proceedings in multiple jurisdictions (including in the USA where there claims included a RICO element) in attempts to ultimately obtain judgments against individuals with assets in this jurisdiction understood to be connected with the claims in fraud overseas.
- Acting in claims often in the context of insolvency, including as to possible s.423 claims, typically in connection with property assets and / or assets alleged to be held in trust.
- Acting in a claim concerning the enforcement by a lender of security over land in Dubai raising issues as to conflict of laws and the application of Golden Victory to the assessment of damages, assertions as to which ranged between nominal and \$2billion.
- Acting for a claimant in the recovery of an asset he had transferred to a blackmailer who had threatened to reveal their homosexual relationship to the claimant's family and prominent members of his religious community; importantly, anonymity was maintained for the claimant, his name not appearing even on the face of proceedings.
- Claims concerning the enforceability of charges and personal guarantees, including successfully resisting summary judgment on the basis of prima facie evidence of fraud affecting another agreement entered into at a similar time by the same parties, which required the further investigation of the court (a rare application of *Miles v Bull*).
- Acting for an investment vehicle in dispute with a US Court appointed receiver in respect of the control of investment fund monies paid into Court in England against the backdrop of allegations of fraud and an investigation by the US Commodity Futures Trading Commission.