



Jessica Brooke

Call: 2012

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Clerks' Details

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Qualifications and Appointments

- Bar Professional Training Course, BPP, 2011-2012
- LLM (Corporate Law), University College London, 2011
- BA Jurisprudence, Brasenose College, University of Oxford, 2007-2010
- Willem V. Vis International Commercial Arbitration Moot Team for Lincoln's Inn, 2012
- Kennedy Scholarship, Lincoln's Inn, 2011
- Hardwicke Award, Lincoln's Inn, 2011
- First Place, Oxford/Cambridge Varsity Moot, 2009

Memberships

- Chancery Bar Association
- R3

Publications

- Warning to liquidators claiming against non-active directors for misfeasance (Re IT Protect) [on LexisPSL](#)
- Second application to annul bankruptcy order an abuse of process (Lambert v Forest of Dean District Council and others) [on LexisPSL](#)
- Contributor to The Landlord and Tenant Factbook
- Contributor to Practical Law's Property Litigation Column

Practice Overview

Jessica specialises in commercial chancery litigation, with a particular focus on insolvency, property and commercial disputes. She is an experienced advocate who appears regularly in the High Court, and is frequently instructed in matters which are of a complex or urgent nature. Before coming to the Bar Jessica read Jurisprudence at Brasenose College, Oxford, and obtained an LLM in Corporate Law from University College London.

Insolvency

Jessica is frequently instructed in corporate insolvency matters. Her experience includes TUV claims, preferences, unlawful dividends, fraudulent and wrongful trading, disputed debts, validation orders, s.236 applications, Berkeley Applegate applications, administration applications, office-holder remuneration applications and urgent injunctions to restrain petitions and to rescind winding up orders. She is currently instructed in a number of misfeasance applications against company directors, acting for both liquidators and respondents, and she often deals with cases involving allegations of fraud or dishonesty.

She is also regularly instructed to undertake personal insolvency work. Her experience extends to orders for possession and sale in bankruptcy proceedings where issues relating to beneficial ownership or the equity of exoneration arise, applications for the annulment of bankruptcy orders, validation orders, s.366 applications, applications to suspend discharge from bankruptcy, income payment orders, applications to set aside statutory demands, insolvency administration orders in respect of the estates of deceased insolvents, and matters involving COMI disputes.

Recent experience includes:

- *Lambert v Forest of Dean DC* [2020] EWHC 2854: Defeated an appeal on the basis that the appellant had failed to remedy his lack of standing as a bankrupt to bring the appeal, and obtained an Extended Civil Restraint Order against the appellant.
- *IT Protect Ltd* [2020] EWHC 2473: Successfully represented a liquidator in a two-day misfeasance trial against a director who had taken no active involvement in the running of the company.
- *Lambert v Forest of Dean DC* [2019] EWHC 1763: Successfully defended an application to annul a bankruptcy order alleging defective service of the statutory demand and bankruptcy petition. The application was dismissed on the grounds that it was an abuse of process. [Read the case comment here.](#)
- *ICSM Solutions Ltd*: Successfully represented the liquidator in a 3-day misfeasance trial against a de facto director involving complex accounting issues.



Insolvency continued

- *Denderowicz Ltd*: Successfully represented the liquidator in a 3-day misfeasance trial involving difficult witness handling.
- Advising a US creditor in respect of a £2.7million fraud claim against an English bankrupt involving jurisdictional issues and conflicts of laws.
- Advising a liquidator in a claim against a major bank challenging substantial charges levied under an invoice discounting agreement.
- *4J Leisure Ltd*: Acting as sole counsel in a 5-day unfair prejudice £1million claim involving an insolvent company and complex share valuation issues.
- Advising company directors in respect of misfeasance claims worth over £2million alleging the misappropriation of company assets and challenging reductions in inter-company debt and directors' loan accounts.
- Advising a liquidator in a £1million civil fraud case raising issues relating to unlawful means conspiracy, dishonest assistance, knowing receipt, deceit, unjust enrichment and the tracing of assets.
- Advising a liquidator in a high-profile insolvency in respect of a claim worth over £2million against a related company in liquidation seeking payment for services rendered ranking as a liquidation expense.
- Acting for the liquidators of a construction company pursuing a sub-contractor in a claim worth over £1.5million for defective works which led to the partial collapse of a building.
- Representing a respondent director in a c.£1million misfeasance claim alleging the payment of unlawful dividends, preferences and transactions at an undervalue. The case settled before trial.
- Advising a trustee in bankruptcy in relation to a charge executed by the bankrupt against his property where the charge was registered contrary to the terms of bankruptcy restrictions entered against the property's title.
- Advising a liquidator in respect of claims against a third-party recipient of company funds fraudulently misappropriated by the company director. The case involves issues relating to knowing receipt, attribution of knowledge, want of authority, unjust enrichment and the tracing of assets.
- Acting for a liquidator in a claim challenging fees paid to a major consultancy firm on the basis that the payments did not fall within the terms of a validation order.
- Advising administrators as to whether substantial adverse costs orders obtained against the company in litigation adopted by the administrators were accorded super-priority in the administration, or ranked as an administration expense.
- Acting for a creditor in an urgent application for an interim receiver where there was an imminent risk of dissipation of the debtor's assets.
- Advising a liquidator in a claim seeking to challenge dividends based upon interim accounts which were alleged to be inaccurate.
- Acting for a liquidator in a claim challenging a purported reduction in share capital and seeking contributions in respect of unpaid shares.
- Advising administrators as to the recovery of their remuneration and administration expenses from fixed charge assets by way of a Berkeley Applegate-type order.
- Representing a liquidator in a claim challenging payments made by the company to related companies purportedly for services rendered, which settled before trial.
- Advising a liquidator as to whether a charge granted to a secured creditor over various asset classes was fixed or floating, whether the creditor could rely upon the doctrine of subrogation, and whether the creditor's claim was defeated by set-off.
- Advising a failed bidder in the sale of the business and assets of a high-profile sports team in administration as to potential claims against the administrator where the sale process had been unfair.



Insolvency continued

- Advising administrators in respect of their liability for selling assets subject to chattel mortgages.