



serle court

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Elizabeth Jones KC

Year of Silk: 2000 Year of Call: 1984

“Success in big-ticket complex litigation depends on having a barrister who is able to master detail, who has a good strategic nose, inspires confidence, builds a team and follows through. Liz is all of these. A powerful advocate and down to earth. She is quite simply outstanding - the best at the English Bar at the moment.”

“Outstanding - at the very top of the tree - you do not want to be against her.”

The Legal 500

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Practice Overview

Described recently by Chambers & Partners as "superlative and top of the tree" and as a "renowned trial advocate", Liz is widely recognized as a first class litigator, noted for her intellectual rigour, hands-on approach and team work. In addition to general commercial/contract/company disputes, she has particular expertise in civil fraud and asset tracing, banking and financial services (including regulatory work), contentious trust and probate, and has nearly 30 years' experience in the music business. Most of her cases are complex, multi-party and often cross-jurisdictional disputes. Liz is noted by clients and directories for her highly persuasive advocacy and her ability to master and control very large scale and often cross jurisdictional litigation. She regularly works in the Channel Islands and is called to the Bar in the BVI. Liz is Head of Chambers.

Liz also has significant regulatory and disciplinary experience, having been Complaints Ombudsman for LIFFE between 2000 and 2008. Liz is a well known mediator, and this forms a small but significant part of her practice. She also sits as a deputy High Court Judge in the Chancery Division.

Liz has fought several cases in different jurisdictions where the governing law of the dispute was Saudi law, in particular in the areas of contract law, agency, tort, and commercial distribution within Saudi Arabia.

Areas of Expertise

Civil Fraud

Liz has spent much of her professional life dealing with fraud, breach of fiduciary duty and other wrongdoing.

Currently instructed in several different fraud matters, including a claim in deceit against solicitors, the enforcement stage of a major fraud trial, and a claim to set aside a series of Forex contracts on the grounds of bribery of an agent.

Kea v Watson: [2020] EWHC 2599 (Ch) (liability) [2020] EWHC 2796 (Ch) (sentencing). A 17 day committal application conducted remotely in April-May 2020 resulted in the defendant being sentenced to 4 months in prison.

Glenn v Watson [2018] EWHC 2016: Judgment for deceit, breach of fiduciary duty and bribery after a 3 month trial. The Claimant succeeded in obtaining interest at 6.5% compounded annually: [2018] EWHC Ch 2483 and [2019] 4 W.L.R. 145 (CA). Enforcement proceedings have included a claim to enforce against an associate which gave rise to an important decision on service out of enforcement claims at [2019] EWHC 309 (Ch) and on the appropriate test where a defendant sought to use money subject to a proprietary claim for legal fees: [2020] EWHC 472 (Ch). Other enforcement proceedings are taking place in Jersey and New Zealand.

[2016] EWHC 475 *Kanev-Lipinski v Lipinski*: successfully set aside a freezing order obtained without notice.

6 December 2016 (unreported): *Conapro-Dena v Republic of Gambia*: claim against the Republic of the Gambia defended on the grounds that a former ambassador had been bribed to procure the contract.

[2014] UKPC 37 *Alhamrani v Alhamrani*: upheld findings of dishonesty in relation to evidence given in the BVI court and previously in the courts of Saudi Arabia.

2011-12: claim against a trust company by former clients in relation to fraudulent conduct of former managing director. 28 party settlement on excellent terms achieved.

Inter-Continental Bank v Akingbola [2011] EWHC 605 (Comm). Fraud against bank by former Chief Executive.

Alhamrani v Alhamrani [2009] JLR 301: Conspiracy to pervert the course of justice, forgery, perjury, suborning of

witnesses and alteration of computers to prevent proper disclosure.

The long running Omar saga in which the wife and mistress of a deceased domiciled in Egypt defrauded the estate of approximately \$10m, using the usual panoply of bearer shares and Panamanian and Liechtenstein entities; 2 separate actions, first against the wife and mistress and subsequently against a major bank for dishonest assistance; *Re Omar* (a bankrupt) [2000] B.C.C. 434.

Acted as "counsel to the inquiry" in relation to the investigation carried out by Gavin Lightman Q.C. (as he then was) into what had happened to money donated during the miners' strike of 1984-5.

Commercial Litigation

Liz has particular expertise in dealing with very large scale litigation.

Kea v Watson: [2020] EWHC 2599 (Ch) (liability) [2020] EWHC 2796 (Ch) (sentencing). A 17 day committal application conducted remotely in April-May 2020 resulted in the defendant being sentenced to 4 months in prison.

Glenn v Watson [2018] EWHC 2016: Judgment for deceit, breach of fiduciary duty and bribery after a 3 month trial. The Claimant succeeded in obtaining interest at 6.5% compounded annually: [2018] EWHC Ch 2483 and [2019] 4 W.L.R. 145 (CA). Enforcement proceedings have included a claim to enforce against an associate which gave rise to an important decision on service out of enforcement claims at [2019] EWHC 309 (Ch) and on the appropriate test where a defendant sought to use money subject to a proprietary claim for legal fees: [2020] EWHC 472 (Ch).

2017: very substantial arbitration under the rules of the Japan Commercial Arbitration Association involving a claim by a distributor in relation to conspiracy and breach of duties of good faith against a Japanese OEM.

Alhamrani v Alhamrani. [2014] UKPC 37, HCVAP 2012/026 (Privy Council July 2014, Eastern Caribbean Court of Appeal, September 2013, BVI Commercial court December 2012).

Drayne v McKillen [2011] EWHC 3326 (QB). Ownership of shares in a company owning Claridges etc.

Pink Floyd Music Ltd v EMI Records Limited [2010] EWHC 533 (Ch); (2010) 107(12) L.S.G. 25. Construction of contract.

Speed Investments Ltd v Formula One Holdings Ltd (No1) [2005] 1 WLR 1233, (No 2) [2005] 1 WLR 1936 and (No 3) [2004] EWHC 3215. Acting for banks who had enforced security over shares in the holding company of Formula One.

Private Client Trusts and Probate

Contentious trust and probate forms a significant part of Liz's practice, especially where breach of duty or dishonesty are involved. Recently reported judgments include the much commented on *Kea v Watson* [2021] JRC 009 regarding arrears entre mains over debts due from various trusts to a judgment debtor, and an attempt to obtain an arret over the judgment debtor's interest as a discretionary beneficiary of the trusts.

Currently and recently involved in major trust disputes in the UK, Bahamas and Jersey.

Roadchef (Employee Benefit Trusts) Ltd v Hill [2015] 1 P. & C.R. DG15; successfully masterminded the settlement of a claim for breach of fiduciary duty which had been running on for years in the absence of a mechanism for settlement in the case of a trust with a shifting body of beneficiaries; eventually the settlement agreement was approved by the court in a confidential hearing.

Re Dunlop Settlement [2013] JRC 029, *Re Capita Trustees* [2011] JLR Note 29. Advised a Jersey trust company in relation to a trust where none of the assets, the liabilities and the beneficiaries could be identified with certainty, where sham was asserted and where the trustee was conflicted.

2009: *Alhamrani v Alhamrani*. Led a team of 5 counsel and several Jersey advocates at short notice in the Alhamrani litigation in Jersey, Jersey's largest ever trust action, which settled after 100 days of trial.

Acted for Dame Shirley Porter in the last stages of Westminster CC's attempts to recover the judgment debt against her by proceedings against several Guernsey trusts.

Sports, Entertainment & Media

Liz has nearly 30 years experience in the music business, and has advised several record companies in relation to some of their best known clients.

Pink Floyd Music Ltd v EMI Records Limited [2011] 1 WLR 770 (CA), [2010] EWHC 533 (Ch); (2010) 107(12) L.S.G. 25. Construction of contract.

Barrett v Universal Island Records Ltd [2006] EMLR 21. Successfully defended Universal-Island Records and the Marley family in proceedings brought by former members of the Wailers claiming ownership of song copyrights, breach of recording contracts and breach of performers' rights.

Represented EMI in several disputes between EMI and Apple Corps, most memorably the dispute over putting the Red and Blue albums onto CD: *EMI Records Ltd v Apple Corps Ltd* [1994] EMLR 73.

Represented Elton John in the seminal music business case of *Elton John v Dick James Music*, establishing the principle that a record/publishing company owes fiduciary duties in the exploitation of the relevant copyrights; *John v James* [1991] FSR 397.

Banking and Financial Services

Liz has regularly acted in banking and financial services cases. She was Complaints Ombudsman for LIFFE in 2001-8.

Inter-Continental Bank v Akingbola [2011] EWHC 605 (Comm).

Redwood Master Fund v TD Bank Europe Ltd [2006] BCLC 149.

Saudi Arabian Monetary Agency v Dresdner Bank AG [2004] 2 Lloyd's Rep 19, [2005] 1 Lloyds Rep 12.

R v B: Acted for a claimant against a bank in relation to \$10m paid out on a forged signature in the context of a prime bank instrument fraud. (Settled during trial)

More than 20 years of involvement in the futures market, including advising disciplinary appeal committees and advising on rules and legislation.

Conducted a substantial enquiry into market manipulation 2006-2008.

Mediated the first market manipulation matter to go to mediation and several regulatory mediations since.

Financial Services

Intellectual Property

Chancery

Company

Regulatory and Disciplinary

Partnership and LLP

International and Offshore

Mediation

Recommendations

Asset Recovery (*Who's Who Legal: UK Bar, 2023*)

Banking and Finance (*The Legal 500*)

Chancery: Commercial (*Chambers & Partners, Chambers Global*)

Chancery: Traditional (*Chambers & Partners*)

Chancery (*Best Lawyers*)

Commercial Litigation (*Chambers & Partners, Chambers Global and Legal 500*)

Fraud: Civil (*Chambers & Partners, The Legal 500 and Who's Who Legal: UK Bar*)

Media & Entertainment (*Chambers & Partners, The Legal 500, Who's Who Legal: UK Bar*)

Mediation (*Chambers & Partners, The Legal 500, Who's Who Legal: UK Bar*)

Offshore (*Chambers & Partners, Chambers Global*)

Private Client: Trusts and Probate (*The Legal 500*)

Private Client: (*Who's Who Legal: UK Bar, 2019*)

Trusts (*Chambers & Partners and Chambers Global*)

Quotes

Chambers & Partners

"Frighteningly good. She is utterly thorough in her approach and always focuses on the key points." (2022)

"A phenomenal advocate." (2022)

"She leaves no stone unturned." (2022)

"A fantastic advocate that you want on your team. She lives and breathes her cases and her litigation strategy skills are unrivalled." (2022)

"Brilliant and cool-headed, she does the most complex and difficult cases and remembers every single page of disclosure. She is good at handling difficult clients and difficult issues, as she sees things through the client's eyes. Liz is just a fantastic leader of any team and will get to the heart of the case, however complex it is. She is a brilliant advocate and a real fighter." (2022)

"A brilliant, heavyweight operator who is as good as it gets." (2022)

"A brilliant advocate." Chambers HNW (2021)

"Elizabeth is the kind of advocate I'd want on my side - she is brilliant, cool-headed, and does the most complex and difficult cases." Chambers HNW (2021)

"A tough, no-nonsense advocate who applies herself to the case robustly." (2021)

"She's very strong in court and is a truly formidable advocate." "She is very robust and impressive on her feet. A top performer." (2021)

"Very bright and an incredibly tough commercial litigator." "She has a very good sense of where the case is going as she sees the big picture." (2021)

"A truly brilliant silk." (2021)

"Her fraud brain is incredible - she is technically bright and astute and for complex issues she is a go-to person." (2021)

"She's phenomenal and has an extraordinary ability to get on top of material." (2021)

"She's so impressive tactically as well, and has an absolute grasp of her cases." (2021)

"....an incredibly tough commercial litigator." (2021)

"An excellent litigator praised both for her formidable courtroom presence and for her ability to run a case.... extensive experience of international disputes." (2019)

"In court it's like watching a master class; when she goes in, she absolutely takes them apart. When you've got her, you've really got her - she concentrates on one case at a time and is devastating." (2019)

"Her strategic decisions and judgement calls throughout a case are without exception first rate. She handles huge volumes of complex material really well and her cross-examination is lethally effective as a result." (2019)

"A lawyer with a brilliant mind, who has a remarkable ability to untangle very complex situations and timelines to work out what has gone on in a case. She is very good with both clients and judges." (2019)

"Formidable in court and excellent at mediation as well, she is totally focused on the task in hand." (2019)

"She has outstanding tactical judgement and the ability to pull numerous parties together." (2019)

"*Steely and effective in court but also client-friendly and a great team worker.*" (2019)

"*She is very good in court and really sensible throughout the whole process. She knows when to pull punches and when not to.*" (2019)

"*Very good at strategy; she knows what she's doing, she moves the pieces and she wins.*" "*She is a very clever and forthright opponent, who is a steely advocate.*" "*When she walks into a room, people shut the hell up. She just has an aura.*" (2018)

The Legal 500

"*Stellar in every respect.*" (2022)

"*She has a fantastic mind and superb attention to detail.*" (2022)

"*Has a fabulous knowledge of the law and speed at assimilating information and detail that is second to none.*" (2021)

"*Fearsome, smart, focused and brilliant – you would not wish to be against her*" (2021)

"*An incredible brain and advocate*" (2019)

"*Brain like a planet but fantastically easy to deal with*" (2019)

"*There are not enough superlatives; outstandingly clever and fearsome*" (2019)

"*Has lots of gravitas*" (2019)

"*She is always on top of the detail and takes charge of a case from day one*"

"*She is simply outstanding and has the best grasp of even the most complex cases.*"

Enquiries and Investigations

Acted as "counsel to the inquiry" in relation to the investigation carried out by Gavin Lightman Q.C. (as he then was) into what had happened to money donated during the miners' strike of 1984-5.

Conducted a substantial enquiry into market manipulation 2006-2008.

In the Press

Sir Owen Glenn KNZM ONZM and Kea Investments Limited v Eric Watson, Novatrust Limited and others [2018] EWHC 2016 (Ch), The Barrister, 5 October

Glenn v Watson Trust Dispute, STEP Journal, 2nd August 2018

Property Investor Gets OK To Drop £129m Deal in Fraud Case, Law 360, 1st August 2018

Education & Qualifications

BA (First Class), King's College, Cambridge

Memberships

COMBAR

Chancery Bar Association

Association of Contentious Trust and Probate Lawyers
