

## Christopher Boardman

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Chris was first in his year at Bar School and is now a leading junior practicing in commercial, company and insolvency law. His commercial practice involves complex business disputes in areas such as franchise and distributorship agreements, electricity and gas projects, lending and security instruments and company acquisitions. In the field of company law, Chris has experience in a wide range of cases involving articles of association, shareholder agreements, directors' duties and liabilities, derivative actions, 994 petitions, capital issues and dividends. In the field of insolvency law, Chris' expertise is widely acknowledged and he is regularly instructed in difficult corporate rescues, liquidations, bankruptcies, fraud and asset recovery cases. Chris has been recommended by Chambers & Partners and Legal 500 as a leading junior for insolvency for a number of years.

## Commercial

From advising Diageo, one of the largest drinks company in the world, to representing the former Irish distributor of Hoover, following the fallout of their business relationship, Chris has acted in a number of high profile commercial cases and his meticulous and forthright approach has proved to be a winning combination with clients and judges. Over the past 12 months, Chris has been involved in an international arbitration against ConocoPhillips concerning the winning of the Integrated Deir Ez Zor Gas Project in Syria, he has represented the claimant at trial of a share acquisition dispute involving an insurance broking business, he has acted for British Sugar and others in their disputes against Powergen and E.ON following the acquisition of former electricity generation and supply businesses of Eastern Electricity, he has represented the claimant at trial of a share acquisition dispute involving an insurance broking business and he has advised Stepstone on aspects of their business in the UK and Europe.

A lot of Chris's work involves cases with an international element, both in commercial and insolvency cases. For example, he has undertaken work as follows:

- Service out of the jurisdiction upon and challenges by foreign Defendants including successfully opposing a challenge by one of the defendants in the Arquebus litigation in 2006 to proceedings in the Isle of Man.
- Challenges to English proceedings under the principle of Forum non conveniens including recently successfully opposing an application by British Airways to stay proceedings in this jurisdiction by the administrators of DEB following proceedings being taken in Portugal
- Insolvencies involving assets located abroad including trusts, companies real property.
- Requests for the assistance of overseas courts in insolvencies in this jurisdiction relating to disclosure, assets and payment of dividends.
- Cases under the EC Convention on Insolvency Proceedings, including a reported case on opening insolvency proceedings here in respect of a Northern Irish company Re 3T Telecon [2006] 1 BCLC 137.

## Company

Chris' has more than 10 years experience advising companies and those who deal with them on all aspects of company law and practice. He has acted in numerous 459/994 petitions and winding-up petitions presented on the just and equitable basis. He has been involved in minority shareholder actions and shareholder disputes involving issues as diverse as the transfer of shares, raising of capital, directors' salaries and the payment of dividends. His advisory work has touched upon issues such as diverse as meetings, articles of association, reductions of capital and financial assistance. In the last 12 months, Chris has acted for the UK subsidiary of Nippon Electric in a capital reduction, he has acted for the managing director of an airline business which went into administration, he has acted for a Bahamian

Mutual Fund and its overseas subsidiaries in claims issued against Isle of Man and American defendants and he has advised and acted for an Isle of Man property holding company in a dispute relating the actions of its former directors.

## Directors' Disqualifications

Chris has acted for a large number of defendants in contested as well as uncontested disqualification cases. Often instructed at an early stage to conduct an appraisal of the merits and advise on appropriate strategy, Chris' brings a practical as well as analytical approach. His experience extends from the settlement of evidence to the making applications for leave to act. In the last 12 months, Chris has represented directors engaged in businesses as diverse as water treatment to mobile phone trading involving allegations as wide ranging as failing to account for VAT to out and out fraud.

## Insolvency

Chris is widely acknowledged as an expert in the field of Insolvency Law and is recommended as a leading junior in this field in Chambers & Partners and Legal 500. His expertise extends to all aspects of corporate and personal insolvency from voluntary arrangements (having been retained by R3 to draft the standard IVA terms) to liquidations and bankruptcies (where Chris has acted in numerous of high profile cases). In the last 12 months, Chris has acted for the liquidators and former administrators of Steel Drums & Containers in a multi-million pound wrongful trading case, he has represented the liquidators of the Oracle Fund in a \$17 million claim against a former director and adviser, he has defended repeated applications to remove the trustee in bankruptcy of one of the Qayoumi brothers and he has acted for the former landlords of I Feel Good Holdings (the publishers of Viz and other magazines) following a transfer of it business to a holding company.

## Cases for Chris include:

### Sopp v Inter cleanse

A claim for breach of contract and/or restitution of moneys paid under a mistake involving an allegation that the defendant systematically defrauded the claimant by rendering false invoices. We obtained summary judgment on our counterclaim and defeated the claim at trial.

### Equitas v Additional Underwriting Agency

Application for a third party costs order against Director of defendant company who funded the litigation. Circumstances in which it is appropriate for such an order to be made. Our claim is opposed and is proceeding to hearing.

### E.ON & Powergen v. Video Duplicating

Claim for electricity consumption against a large CD/DVD manufacturer. Issues involving the locus to bring the claim and the accuracy of electricity records. Opposition to a summary judgment application. Case subsequently settled.

### In re DKLL Solicitors [2007] EWHC 2067

An administration application involving questions of principle about the ability of a majority creditor to oppose the making of an administration order and the principles to apply. HMRC sought to stop a solicitors' firm going into administration but we succeeded after a hard fought hearing.

### In re Freshbake Foods

A claim against the former auditors and directors of a company now in liquidation in respect of the payment of illegal dividends. Section 236 applications had to be issued pre-issue of the proceedings for the delivery up of books and records including audit files. Examinations of the directors and relevant accounting partner now taking place post issue of proceedings.

## **In re Explora Group plc: re Le Carpentier**

Application against the administrators of a company engaged in the supply of gabboins to the military. Concurrent application against the supervisors of a voluntary arrangement of a former director. Claims that the administration was for an improper purpose and the voluntary arrangement was secured by misrepresentation. Claims that the insolvency practitioners wrongly valued the applicant creditors' proof for voting purposes. Directions have been given and the matter is listed for trial.

## **Change UK Limited**

Application by the former directors of an employment agency for permission to act as directors of a phoenix company. Principles on an application for leave pursuant to Section 216 of the Act. Successful application to court.

## **Fleet Cars Ltd v Link Cars Ltd**

A derivative action involving allegations of breach of fiduciary duties against directors who had diverted business to a new company. We obtained freezing orders against the Defendants pending trial and succeeded at trial in obtaining all the relief requested.

## **Powergen v British Sugar [2006] EWHC 316**

Sale and purchase agreement relating to sale of electricity and gas business. Reported case on interpretation and whether not Powergen had acquired the right to assert claims under gas supply agreements. Won at first instance and then won on appeal.

## **Daimler Chrysler Services UK v. Burke [2006] All ER (D) 119**

An appeal against an order annulling a bankruptcy order involving issues of procedure and the correct principles to apply.

## **DEB Residual v British Airways**

Contractual dispute arising out of the administration and sale of clothing manufacturing business.

## **BSG Aggregates v Island Aggregates and others**

Commercial fraud claim following the leasing of premises to the Isle of Man government for landfill.

## **National Westminster Bank v Bowles [2006] All ER (D) 477**

Application to set aside default judgment in bank guarantee case arising out of failure of airline business.

## **In re Dollarland (Manhattan) Limited**

Latest saga in litigation between Messrs Stern and El Ajou.

## **In re Steel Drums**

A £2 million wrongful trading case involving a company which was in administration.

## **In re Swindon Town Football Club**

An application against previous and current administrators claiming the benefit of a statutory charge under section 19 of the Insolvency Act.

## **In re Newlands (Seaford) Education Trust**

An application to challenge the approval of a Company Voluntary Arrangement involving issues of landlords' claims and the correct approach to be taken by the meeting chairman.

## **Ouais v ConocoPhilips**

Arbitration following a dispute for payment of commissions in connection with the granting of a Syrian gas contract.

## What others say

Chris Boardman is recommended as a leading insolvency junior by Chambers & Partners and Legal 500. The directories highlight:

Sources praise Christopher Boardman as a barrister “who has the whole package of skills.” His “strategic judgement in court is excellent, as is his written work and drafting.” His recent matters include acting for the liquidators of the Super Aguri Formula One team. (*Insolvency - Chambers UK 2012*)

Among the leading juniors, Christopher Boardman is exceptional at cross-examination; ... (*Insolvency - Legal 500 2011*)

Christopher Boardman is a tenacious advocate, who puts up a tremendous fight for his clients. He wins praise alongside... (*Insolvency - Chambers UK 2011*)

Christopher Boardman is recommended “if you have a difficult corner to fight”. (*Insolvency - Legal 500 2010*)

A “confident and relaxed advocate,” Christopher Boardman is highly regarded for his “incisive advice and sound analysis of complicated situations.” His outstanding courtroom abilities are highlighted and he is recommended for “difficult struggles that require real fighting skills”. (*Insolvency - Chambers UK 2010*)

Christopher Boardman is “a really safe pair of hands”. (*Insolvency – Legal 500 2009*)

Garnering much positive feedback this year, Chris Boardman is many people’s number-one barrister. Viewed as “almost faultless,” he impresses as “a bullish advocate who’s superb on his feet.” Peers describe him as “bright, commercial and focused on what needs to be done in order to get a result.” He is especially popular with clients, who find him “unstuffy and excellent when it comes to technical knowledge, with the ability to run a complicated case”. (*Insolvency - Chambers UK 2009*)

The “extremely impressive” Christopher Boardman is “seen as up-and-coming” here. (*Insolvency – Legal 500 2008*)

According to peers, Christopher Boardman is “very bright and likeable,” and such is his advocacy style that peers also find him “all too easy to listen to - he has the ear of the court”. (*Insolvency - Chambers UK 2008*)

... and Christopher Boardman who is “technically excellent and good on his feet”. (*Insolvency - Legal 500 2007*)

Christopher Boardman is another who is “excellent on his feet.” He has had “some amazing victories,” one example being his successful opposition of an administration application made by the directors of Re Southern Cross Limited. (*Insolvency - Chambers UK 2007*)

One interviewee viewed Christopher Boardman’s entry into a case as “akin to the cavalry arriving.” He has “good analytical skills” and is “excellent on his feet”. (*Insolvency - Chambers UK 2006*)