

Jonathan Lopian

Call: 1994
 Education: MA PhD (Cantab)
 Appointments: Junior Counsel to the Crown (1999 - 2009)
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Jonathan was awarded a senior scholarship followed by a research scholarship by Gonville & Caius College, Cambridge, where he took a double First in History and gained his doctorate. He was awarded a Queen Mother's Scholarship by Middle Temple and gained a Distinction in the Diploma in Law at City University, London.

Before coming to the Bar he had seven years' commercial and financial experience first as a corporate finance executive at the UK merchant bank Morgan Grenfell (now part of Deutsche Bank) specialising in mergers and acquisitions and then as manager of the corporate finance division of the major international corporation Olympia & York, working in New York, Toronto and London.

Jonathan practises in corporate and commercial litigation and advisory work and commercial chancery, specialising in company law, partnership law, insolvency, director disqualification, agency, contract, commercial fraud, asset tracing, trusts, fiduciary obligations and professional negligence.

He was Junior Counsel to the Crown (Attorney General's Panel) from 1999 to 2009. In that capacity he was instructed widely on behalf of the Secretary of State for Business, Enterprise and Regulatory Reform in directors' disqualifications and public interest winding-up proceedings; by HM Revenue and Customs in insolvency matters; by the Attorney-General in charity and probate proceedings; by the Ministry of Justice; by the Department for Work and Pensions; the Environment Agency and the Rural Agency.

Jonathan is recommended by both Chambers & Partners and Legal 500 as a leading junior for insolvency. Chambers & Partners also recommends him as a leading junior for commercial chancery.

Insolvency

Jonathan deals with all aspects of corporate and personal insolvency law. He has extensive experience in cases involving transactions at an undervalue, preferences, fraudulent and wrongful trading, misfeasance and breach of duty, company and individual voluntary arrangements.

Cases of interest include:

- [Re Hellas Telecommunications \(Luxembourg\) II SCA \(In Administration\)](#) [2011] EWHC 3176 (Ch)
- [Trustee in Bankruptcy of St John Poulton v Ministry of Justice](#) [2009] BPIR 1512, [2010] 3WLR 1237 (CA), [2010] 4AER 600 (CA), [2010] BPIR 775 (CA)
- [Alistair Ross and Darrell Holmes v Commissioners for HM Revenue and Customs](#) [2010] 2 AER 126, [2010] STC 657, [2010] BPIR 652
- [Tradition \(UK\) Limited v Ahmed](#) [2009] BPIR 627
- [Appleyard v Ritecrown Ltd](#) [2009] BPIR 235
- [Monecor \(London\) Ltd v Ahmed](#) [2008] BPIR 458
- [Re Farepak Food & Gifts Ltd \(in administration\)](#) [2007] 2 BCLC 1, [2008] BCC 22, [2010] 1 BCLC 444
- [Doltable Ltd v Lexi Holdings Plc](#) [2006] 1 BCLC 384, [2006] BCC 918
- [Re Unigreg Ltd \(In Administration\)](#) [2005] BPIR 220
- [Glaxosmithkline Export Ltd v UK \(Aid\) Ltd](#) [2003] 2 BCLC 351, [2003] BPIR 1206, [2004] BPIR 528
- [Fender v Commissioners of Inland Revenue](#) [2003] BPIR 1304
- [Nejad v City Index Ltd](#) [2001] GCCR 2461 (CA)
- [Commissioners of Inland Revenue v Bielecki](#) [2001] BPIR 975

Commercial and Commercial Chancery

Jonathan's commercial and commercial chancery practice covers all types of contractual disputes, guarantees, undue influence and duress, tracing, restitutionary claims, commercial fraud and the law of agency and fiduciaries.

Cases of interest include:

- **Imageview Management Ltd v Jack** [2009] 2 All ER 666 (CA), [2009] 1 All ER (Comm) 921, [2009] Bus.LR 1034, [2009] 1 BCLC 724, [2009] 1 Lloyd's Rep 436, Times Law Reports, 24 March 2009, LQR 2009 125 (Jul) 369-374 "Restitution and Conflicted Agent".
- **Seray-Wurie v Charity Commissioners for England & Wales & the Attorney General** [2007] 3 All ER 60, [2007] 1 WLR 3242
- **Imaghdor v Secretary of State for Trade & Industry** [2007] All ER (D) 47
- **Lexi Holdings plc v Stainforth** [2006] EWCA Civ 988
- **Stone and Rolls Ltd v Micro Communications Inc** [2005] EWHC 1052
- **Amin v Brown** [2005] EWHC 1670; Times Law Reports, August 24 2005
- **UCB Corporate Services Ltd v Kohli** [2004] 2 All ER (Comm) 422

Company

Jonathan's experience includes shareholder and partnership disputes, directors' duties, directors' disqualification, reductions of capital, financial assistance and public interest winding-up proceedings.

Cases of Interest include:

- **Hennelly v Secretary of State for Trade and Industry** [2005] BCC 542
- **Smith v Secretary of State for Trade & Industry** [2003] All ER (D) 72
- **Official Receiver v Zwirn, Re Windows West Ltd** [2002] BCC 760
- **Re Derek Colins Associates Limited** [2002] All ER (D) 474

What others say

Jonathan Lopian is recommended by Chambers & Partners as both a leading insolvency and commercial chancery barrister. He is also recommended by Legal 500. Most recently the directories highlighted the following:

A "very bright man who is doing very well," Jonathan Lopian has a chancery practice that is roughly equally divided between insolvency and company law disputes arising from breaches of contract, breaches of fiduciary duty and the disqualification of directors. (*Commercial Chancery - Chambers UK 2012*)

Jonathan Lopian is admired by market sources as he is highly technically skilled. He recently acted for Lloyds TSB Bank in applying for an administration order for Powercorp International. (*Insolvency - Chambers UK 2012*)

Jonathan Lopian is ranked as a leading junior in the area of Insolvency in *Legal 500 2011*.

Jonathan Lopian has recently come off the Treasury Counsel B Panel and ramped up his commercial chancery caseload on both the litigation and advisory fronts. Trust, breaches of fiduciary duty and partnership disputes all fall within his remit, and his corporate finance background holds in him good stead for anything with a banking or financial services tinge to it. (*Commercial Chancery - Chambers UK 2011*)

Also praised for his attention to detail is Jonathan Lopian. He is defending the Ministry of Justice against an allegation brought by the trustee of the estate of Louise St John Poulton of breach of statutory duty and/or common law negligence. (*Insolvency - Chambers UK 2011*)

Jonathan Lopian is another at the set who is "extremely approachable and user-friendly". He expertly handles corporate and personal insolvency issues, as well as director disqualification matters. In 2009 he continued to act for HMRC on the high-profile Farepak Food & Gifts case concerning the administration and subsequent liquidation of the Christmas hampers company. (*Insolvency - Chambers UK 2010*)

A clear and compelling advocate who always arrives at court raring to go. (*Insolvency - Chambers UK 2009*)

A well-regarded Treasury Counsel practitioner, Jonathan Lopian acted for the Secretary of State in the British Coal respiratory disease litigation and represented HMRC in the Farepak Limited administration. Peers describe him as "a good, forceful litigator". (*Commercial Chancery - Chambers UK 2009*)