

Marcia Shekerdeman

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Marcia specialises in company law and all aspects of personal and corporate insolvency, including administrations, receiverships, voluntary arrangements, shareholders' disputes, wrongful trading, misfeasance and disqualification of directors. Her practice also includes other areas of commercial litigation such as contractual disputes, partnerships and commercial fraud. She sits in the High Court as a Deputy Registrar in Bankruptcy and Companies. She has been recommended as a leading junior for company and insolvency law in the major legal directories for many years. Marcia was shortlisted for Insolvency Junior of the Year at the Chambers & Partners Bar Awards in 2008.

Marcia regularly represents accountants, auditors and IPs in disciplinary proceedings. She is also one of the Chancery Bar Association's nominated representatives on the Barristers' Complaints Advisory Service panel and in that capacity she represents and advises members of the Bar pro bono when they have been the subjects of complaints to and disciplinary action by the Bar Standards Board.

Company and Insolvency

Marcia acts for office holders, individuals, directors and insolvent companies and has extensive experience in all aspects of contentious and non-contentious insolvency work, both at the advisory and drafting stages. Her insolvency practice covers administrations, liquidations, bankruptcy, receiverships, voluntary arrangements, wrongful trading and misfeasance. In addition, and since being briefed on behalf of one of the defendant directors in *Re Carecraft Construction Co Ltd* in 1993, Marcia's directors' disqualification practice has flourished.

When acting for insolvency practitioners, she enjoys the entire investigative process and has conducted numerous private examinations.

Marcia's company law practice includes shareholder disputes, directors' duties and derivative claims and security issues as well as non-contentious drafting and advisory work.

Important cases for Marcia include:

In Court

Airbase Services International

Acting for the administrators on application against a US Bank and HMRC to decide whether or not the bank could participate in the 'prescribed part' under Section 176A of the Insolvency Act in respect of its floating charge shortfall.

Prudential Assurance Co Ltd v PRG Powerhouse Ltd [2007] EWCH 1002;

Marcia was involved in this landmark decision on guarantee stripping and CVAs.

ML Design Group Ltd (2006-2007),

Marcia represented and advised the administrators following the rejection of their proposals.

Re Top Marques Car Rental Ltd [2006] EWCH 109;

Late registration of company charges and the effect of errors made by the Registrar of Companies.

Re Top Marques Car Rental Ltd No 2 [2006] BPIR 1328,

Extension of administration and whether or not a secured creditor has locus to challenge that extension.

Unidare v Cohen [2006] Ch 489:

Avoidance of floating charges, the meaning of control within the meaning of section 435(10) of the Insolvency Act and “unfair harm” challenges to the conduct of administrators.

Atlasview Ltd v Brightview Ltd [2004] 2 BCLC 191

As junior to David Oliver QC, representing the applicants on an application to strike out a section 459 petition and derivative action.

Re International Double Glazing (2004)

Representing the liquidator on a wrongful trading and misfeasance trial.

HMRC v Jack Baars [2004] BPIR 543

Acting for the provisional liquidator/special manager in an excise duty fraud.

Farnborough Aircraft.Com Ltd [2002] 2BCLC 641,

Acting for opposing shareholders and creditors in an administration application.

Lloyd v Casey [2002] 1 BCLC 21

Representing the petitioner in a 2 week petition under section 459 of the Companies Act 1985. (Led by Jane Giret QC).

As a Deputy Registrar

Shah v Cooper [2003] BPIR 1018 (a contested interim order application, the duties of a nominee in a post bankruptcy IVA)

Pending/Settled (anonymised, where appropriate)

- Acting for the liquidators of Casson Beckman (and the trustees in bankruptcy of the individual partners)
- Acting for the director and company in a winding up petition presented by HMRC based on an alleged £ 7 million alcohol smuggling excise duty fraud.
- Acting for one of the respondents to a misfeasance claim brought by the liquidators of various UK and offshore companies in the context of a £30 million alleged tax fraud.
- Acting for the trustee in bankruptcy in a large recovery claim against the bankrupt and his wife under section 423 of the Insolvency Act 1986 based on sham deed of trust.
- Advising a potential party to a proposed substantial JV in circumstances where part of the underlying business may have been transferred to an associated party at an undervalue just before its liquidation.
- Representing and advising the director/respondents in a misfeasance claim brought against them by the liquidator following the alleged transfer of the business at an undervalue.
- Advising the liquidator on a £2 million breach of mandate claim against a bank and fraud claim against the director.
- Advising the receivers and debenture holders in a breach of mandate claim against a bank.
- Representing the liquidator in a misfeasance claim against the directors, who sold the assets of the company at an undervalue, or terms which secured significant benefits for themselves, rather than the insolvent company.
- Advising and representing the trustees of an offshore trust (later held to be a “sham”) established by the husband in order to defeat the wife’s claim in the context of an acrimonious divorce.

What others say

For several years the major legal directories have recommended Marcia as a leading junior in the fields of commercial litigation, company and insolvency. They rank and quote as follows:

Marcia Shekerdeman is favoured for “her excellent way with judges, solicitors and clients.” In a recent case, Re Colliers International UK, she represented a property consultant in relation to the cancellation of its share premium account. (*Company - Chambers UK 2012*)

Marcia Shekerdeman is admired by sources who say they use her for “more intellectually heavyweight legal matters.” She is an impressive advocate, and “a real fighter in court.” Her recent high-profile instructions

include acting for the liquidators of Miss Sixty UK. (*Insolvency - Chambers UK 2012*)

Marcia Shekerdemian is ranked as a leading junior in the areas of Commercial Litigation and Insolvency in *Legal 500 2011*.

Marcia Shekerdemian has “great technical knowledge” and “goes out of her way for clients”. (*Insolvency - Legal 500 2011*)

Marcia Shekerdemian was instructed on a number of company matters over the past year. These included acting for a company in its claim against a former director for misuse of company property and breach of trust. She is described as a “clever and hard-working advocate who is clear, straightforward and to the point”. (*Company - Chambers UK 2011*)

Marcia Shekerdemian is a thorough and robust litigator who “cuts through complex issues to give clear, pragmatic advice”. She has been representing the administrator of Awal Bank in Bahrain in the collapse of the Saad Group of companies, both in the High Court and in the Grand Court of the Cayman Islands. (*Insolvency - Chambers UK 2011*)

On the junior side, Marcia Shekerdemian “brings enormous intelligence to matters”. Her “calm assurance” comes highly praised by peers, who insist: “You couldn’t meet someone more charming”. Shekerdemian is “robust and able to grasp very complex situations quickly and reduce them down to the crucial points”. She specialises in company law and handles all aspects of personal and corporate insolvency. (*Insolvency - Chambers UK 2010*)

Marcia Shekerdemian is “good on paper and tough in court”. She won admiration from lawyers for being “a good team player who is willing to listen to input from her solicitors”. (*Company - Chambers UK 2010*)

Marcia Shekerdemian is praised for “good knowledge and advocacy, with a strong ability to empathise with clients”. (*Commercial Litigation - Legal 500 2010*)

Marcia Shekerdemian is “absolutely tip-top” and advised on Re Awal Bank BSC in the High Court. (*Insolvency - Legal 500 2010*)

Leading the way amongst the juniors, Marcia Shekerdemian is “an incredibly hard-working and tenacious advocate who lives and breathes her cases”. According to clients, her skills combine to make her “almost the perfect junior”, and “she’s definitely someone you want on your team”. As well as being “excellent on her feet”, her paperwork is highly rated and her turnaround fast, due to the fact that she “can seemingly juggle hundreds of balls at the same time”. Shekerdemian is further praised for her “ability to identify the central issues quickly and put forward a sensible solution”. (*Insolvency - Chambers UK 2009*)

Marcia Shekerdemian is an experienced junior who “pays great attention to detail - nothing escapes her notice”. (*Company - Chambers UK 2009*)

Marcia Shekerdemian “combines exceptional legal knowledge with superb communication skills”. (*Insolvency - Legal 500 2009*)