

Marcia Shekerdeman

Call: 1987
 Education: MA (Cantab)
 Appointments Deputy Registrar in Bankruptcy & Companies
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Specialises in company law and all aspects of corporate and personal 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 is recommended for company and insolvency law in the major legal directories, is rated in the top tier of leading insolvency barristers in both the Legal 500 and Chambers and Partners Directories and is ranked as a leading junior in commercial litigation (band 4) in the Legal 500. Marcia has also been shortlisted for Insolvency Junior of the Year at the Chambers & Partners Bar Awards.

Leading the way amongst the juniors, Marcia Shekerdeman 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."* Shekerdeman is further praised for her *"ability to identify the central issues quickly and put forward a sensible solution."* (Chambers & Partners 2009)

'Excellent, both on paper and in court', the 'absolutely exceptional junior' Marcia Shekerdeman receives numerous plaudits as being *'very bright, user-friendly, and particularly alive to the needs of clients'.* (Legal 500 2008)

Marcia Shekerdeman is an experienced junior who *"pays great attention to detail - nothing escapes her notice."* (Chambers & Partners 2009)

Marcia Shekerdeman *'combines exceptional legal knowledge with superb communication skills'* (Legal 500 2009, insolvency band 1).

Marcia Shekerdeman *"brings enormous intelligence to matters."* Her *"calm assurance"* comes highly praised by peers, who insist: *"You couldn't meet someone more charming."* Shekerdeman is *"robust and able to grasp very complex situations quickly and reduce them down to the crucial points."* (Chambers & Partners 2010, Insolvency, top band).

Marcia Shekerdeman 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."* (Chambers & Partners 2010, Company, band 3).

Marcia acts for office holders, individuals, directors, insolvent companies and partnerships as well as for insolvent individuals. She 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.

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

Many of her cases inevitably have a significant fraud angle and Marcia has experience of POCA receiverships, as well as other proceedings requiring asset tracing and pre-emptive remedies.

In addition to her insolvency and company practice, Marcia conducts general commercial litigation, often with a fraud angle, and has a broad client base, including clearing banks and other financial institutions.

A number of her cases have an offshore element and cross-border insolvency issues. In particular, she is currently acting on behalf of the administrators of Awal Bank (Bahrain) and its Cayman subsidiaries in the context of the collapse of the Saad Group of companies and has twice appeared in the Grand Court of the Cayman Islands.

Marcia is also widely experienced in defending disciplinary claims against accountants and IPs and has appeared before the disciplinary panel of the ACCA on a number of occasions.

Marcia is a member of the Chancery Bar Association, the Insolvency Lawyers Association and R3. She is also a member of BCAS (the Barristers' Complaints Advisory Service), as a representative nominated by the Chancery Bar Association. BCAS provides free advice and representation to barristers who are the subject of complaints to the Bar Standards Board.

Cases for Marcia include:

Court

- *Re Awal Bank BSC (Grand Court of the Cayman Islands) (2009, 2010)*. Representing and advising the administrators of the bank and the liquidators of its Cayman subsidiaries in proceedings arising from the collapse of the Saudi based Saad Group of companies, against the background of an alleged \$7.5 billion dollar fraud. These proceedings have given rise to complex cross border issues engaging UK, US, Cayman and Bahraini law. Marcia has twice appeared in the Grand Court of the Cayman Islands.
- *Kotonou v National Westminster Bank Plc* (2008). Representing the bank at first instance in a successful application to strike out negligence proceedings brought by Mr Kotonou
- *Prudential Assurance Co Ltd v PRG Powerhouse Ltd* [2007] EWCH1002; 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] EWCH109: Late registration of company charges and the effect of errors made by the Registrar of Companies.
- *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 BCLC191 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 and advising the administrators of a collapsed sub-prime lenders group on subrogation and misfeasance claims of £5 million.
- Acting for the widow of a deceased bankrupt in proceedings brought by the trustee to recover assets located in Spain and Gibraltar in the context of an alleged tax fraud perpetrated by the deceased.
- Acting for a clearing bank in proceedings concerning an allegedly forged bank guarantee.
- Acting for the trustee in bankruptcy of a high profile bankrupt in proceedings to recover computers and electronic information. Case involved privacy and human rights issues.
- Acting for the liquidator in proceedings against a clearing bank for conversion of cheques to the value of £1 million.
- Advising a partner in a well known firm of solicitors in the context of its insolvency and administration.
- 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 joint venture 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.