

DR NATHAN SMITH

Year of call: 2007

Clerked by: Harry Young

AREAS OF EXPERTISE:

Banking & Finance Commercial Litigation Company
Insolvency Partnership Private Client, Trusts and Probate
Professional Negligence Real Estate Litigation Technology &
Construction



Insolvency

Nathan regularly deals with all aspects of corporate and personal insolvency litigation including:

- Administration orders (including pre-packs), extensions of administrations and applications by administrators for permission to distribute;
- Pursuing and defending significant claims against directors arising out of insolvent companies, e.g. for breach of duty to the company / unlawful dividends etc.;
- Claims involving preferences, transactions at an undervalue and other recovery proceedings;
- Representing insolvency practitioners in claims brought to challenge the validity of proofs and their decisions on them;
- Representing companies and individuals in winding up petitions, applications to set aside statutory demands and bankruptcy petitions; and
- Advising on insolvent estates, including how to deal with them and making applications for insolvency administration orders in respect of the estates of deceased persons.

Examples of cases include:

- (2019) Advising a director on a £350,000 claim for allegedly misappropriated monies;
- (2019) Advising on and drafting a claim to lift the moratorium imposed by an administration order, to enable a landlord to forfeit the lease of a commercial property;
- (2018/19) Advising and representing a director in a £400,000 claim for allegedly misappropriated monies;
- (2018) Obtaining an insolvency administration order in respect of the estate of a deceased person, where there were significant claims that an insolvency practitioner wanted to investigate;
- (2018) Acting on behalf of a client to set aside a statutory demand for £200,000;
- (2017) Acting for a trustee in bankruptcy in a 2-day trial to recover possession of a property transferred to the bankrupt's father several years beforehand. The respondents claimed the property was held on trust from the outset;
- (2016) Acting for a director in the Companies Court in London who successfully resisted a claim by a liquidator to recover over £200,000 following the liquidation of a company. Reported as *Re Bridgegate Communications Limited* [2016] EWHC 2085 (Ch);
- (2016) Acting for a trustee in bankruptcy in a 3-day hearing in a dispute over the ownership of a property said to be held on trust;
- (2015) Acting for an administrator in an urgent application in the Chancery Division of the High Court to determine the validity of his appointment under a floating charge;
- (2015) Advising and acting for an individual who faced a statutory demand for £320,000 as a result of trying to leave a tax mitigation scheme, which allowed investors to offset their tax liabilities against investments in well-known films;
- (2013) Acting for a lender in an appeal before the Vice Chancellor against a bankruptcy order made on the basis of a £400,000 personal guarantee. The case considered the amount of weight that should be given to admissions made during a bankruptcy petition and whether or not they could be withdrawn;
- Advising and drafting a certificate of law explaining the combined effect of EC Regulation 1346/2000 on Insolvency Proceedings and English insolvency law on an overseas property held by a bankrupt in Spain, for a client to present to the land registrar in Marbella;
- Applying for administration orders, including for companies subject to pre-pack arrangements;
- Challenging the costs incurred by a trustee in bankruptcy;
- Acting for petitioning creditors, companies and individuals in contested winding up and bankruptcy petitions and applications to set aside statutory demands; and
- Acting for insolvency practitioners to recover assets, whether by orders for possession and sale, setting aside void or voidable transactions, or conducting private examinations of debtors.

Profile

Nathan joined chambers in April 2008 and practises in all areas of commercial dispute resolution and business and property law, with a particular emphasis on real property, insolvency, professional negligence, shareholder disputes and probate.

Nathan regularly appears in the Business and Property Courts and the County Court for banks, institutional clients, companies of all sizes and individuals. Nathan also frequently appears in the First Tier Tribunal, Property Chamber.

Nathan approaches every instruction with the of the aims and objectives of his clients in mind and understands the need to provide clear and comprehensive advice to enable his clients to effectively navigate through litigation.

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Banking & Finance

Commercial Litigation

Company

Insolvency

Partnership

Private Client, Trusts and Probate

Professional Negligence

Real Estate Litigation

Technology & Construction

Memberships

Chancery Bar Association

Northern Chancery Bar Association

Northern Circuit Commercial Bar Association

British and Irish Commercial Bar Association

Publications

Nathan has published several articles in leading scientific journals, including Physical Review Letters.

Qualifications

2006/2007 Bar Vocational Course. Graded: Outstanding (ranked 1st in year).

2005/2006 Graduate Diploma in Law. Graded: Distinction (ranked 1st in year),

2001/2005 Atomic & Laser Physics DPhil, Oxford University

1997/2001 Physics MPhys, Oxford University (1st class)

Recommendations / Awards

‘His strengths are his attention to detail and being excellent on paper; he is a quality advocate.’ **Legal 500 2021**

Lincoln’s Inn Student of the Year (ranked 1st in year)

Wales & Chester Circuit Award

Oxford University Press Award

Lord Denning Scholarship

Buchanan Prize & Hardwicke Scholarship#

Other Career Details

2004/2005 Nathan was a lecturer in Physics at St. Peter’s College, Oxford.

Nathan has also published several articles in leading scientific journals, including Physical Review Letters.