

LESLEY ANDERSON QC

Year of call: 1989
Year of silk: 2006

Clerked by: Gary Young Harry Young

AREAS OF EXPERTISE:

Arbitration Banking & Finance Company Commercial
Litigation Professional Negligence International & Offshore
Insolvency Mediation Partnership Real Estate Litigation



Commercial Litigation

Commercial Litigation

Lesley's extensive practice in commercial dispute resolution includes advising (often from in-house Counsel) on all aspects of commercial contracts and torts including joint ventures, agency, distribution and franchising agreements and share and asset sale warranty claims. Lesley also has significant experience of procedural law including, recently, several applications to the Court of Appeal on aspects of the CPR following the decisions in *Mitchell* and *Denton*. Current work includes advising logistics company on its warehouse and distribution agreements.

Significant Reported Cases

Supreme Court

Digital Satellite Warranty Cover Ltd v Financial Services Authority [2013] 1 WLR 605 (Supreme Court) and [2012] 2 All ER (Comm) 38 (CA) – extended warranty contracts providing for the repair or replacement of satellite television equipment were contracts of general insurance and so a regulated activity for the purposes of FSMA 2000 and the insurance directive did not prevent Member States from regulating insurance business falling outside the 18 classes listed in its Annex and FSA was entitled to wind up on public interest grounds.

Court of Appeal

Salford Estates (No 2) Ltd v Altomart Ltd [2015] 3 WLR 491 – relationship between winding up petition and lease containing arbitration clause.

Peter Elliott v Stobart Group Limited and Others [2015] EWCA Civ 449 – successfully defended appeal against judge's decision in light of *Mitchell* to refuse the claimant more time to serve a psychiatric report in support of his claim that an injunction obtained by them against him has caused or exacerbated his mental disorder.

Altomart Ltd v Salford Estates (No 2) Ltd [2014] EWCA Civ 1408 – approach to extensions of time to serve respondent's notice in light of *Mitchell* and *Denton* decisions.

ICI Chemicals & Polymers Ltd v TTE Training Ltd [2007] EWCA Civ 725 – Court of Appeal gave guidance as to when summary judgment should be granted where a short point of construction of an agreement arose.

Other

MRH Solicitors Ltd, Apex Hire UK Ltd and Pennington Legal Ltd v Manchester County Court [2015] EWHC 1795 (Admin) – successful judicial review of findings of fraud made by a recorder against a firm of solicitors and two car hire firms in a personal injury claim where allegations of fraud had not been pleaded against them and the parties had had no opportunity to rebut the allegations.

Howes Percival LLP v Page and Page [2013] EWHC 4104 – defendants' incorrect assertion that its solicitors were not entitled to recover their costs

was held to amount to a repudiatory breach of the CFA with the claimant.

Art & Antiques Ltd v (1) Peter Richards (2) Towergate London Market Ltd (3) Zurich Insurance Plc [2014] PNLR 10 – insured’s claims for breach of contract and professional negligence arising out of the refusal of indemnity under an insurance contract were struck out save for negligence claim against the brokers where the same claims had been determined by arbitration and an issue estoppel arose.

Easyair Ltd (t/a Openair) v Opal Telecom Ltd [2009] EWHC 339 (Ch) – important and frequently cited decision on the factors to be taken into account when deciding to grant summary judgment.

Stephen Carter (as Personal Representative of the Estate of Frank Carter) v Freeman Group Plc [2008] EWHC 3576 (QB) – held that complex and difficult point of law concerning the assignment of liabilities between a partnership and a company was not capable of being determined summarily.

Peter Nolan v Graham Michael Wright [2009] 3 All ER 823 – claim to re-open a consumer credit agreement under s139 of the Consumer Credit Act 1974 as an extortionate credit bargain was an action upon a specialty to which a limitation period of 12 years applied.

Profile

Lesley practises in all aspects of chancery and commercial litigation with a focus on companies, corporate and personal insolvency and commercial property. She is head of Kings Chambers Business & Property Group.

In 2014, she was named as one of The Chambers 100 UK Bar which ranked the top 100 silks practising in England & Wales.

She has twice appeared in the Supreme Court.

Recommended as a leading Band 1 silk in six practice areas for Chambers UK Guide for 2016: Chancery; Commercial Dispute Resolution; Partnership; Real Estate Litigation, Restructuring/Insolvency and Professional Negligence and in the Legal 500 for 2015 as a leading silk in Commercial, Banking and Insolvency and Property.

Clients include banks, multinationals and major public companies as well as a number of smaller manufacturing and e-commerce companies and professional firms. She has acted for and against the Government including on public interest winding up and directors’ disqualification.

Known for her expertise in complex and sensitive shareholder/unfair prejudice disputes, breaches of trust and fiduciary duties and share and asset sale claims.

Sits regularly as a Deputy High Court Judge of the Chancery Division. She acts regularly as mediator and offers Early Neutral Evaluation.

Former legal academic and training manager for Norton Rose M5 Group and contributes regularly to legal and professional conferences and in-house training for solicitors and other professionals and to books and journals.

Year of Call: 1989

Year of Silk: 2006

Areas of Expertise

Arbitration

Banking & Finance

Commercial Litigation

Company

Insolvency

International & Offshore

Mediation

Partnership

Professional Negligence

Real Estate Litigation

Memberships

Benchers of The Honourable Society of the Middle Temple

Chancery Bar Association (including co-opted member of Committee)

Northern Chancery Bar Association (immediate past Chairman)

Northern Circuit Commercial Bar Association

Northern and North Eastern Circuit

Appointments

Recorder (2006)

Authorised to sit as Deputy High Court Judge of the Chancery Division (2008).

Head of Business & Property Group (2017)

Qualifications

LLB - University of Manchester (1984)

CEDR Accredited Mediator (2000)

Recommendations

Since being in practice Lesley has received consistent recommendations in Chambers Guide where she is ranked as a Band 1 silk in six areas and the Legal 500:

Legal 500 2020:

"An impeccably prepared and highly effective advocate"

Legal 500 2018:

'A tenacious, forthright and perceptive advocate.'

'Very experienced in commercial landlord and tenant cases.'

Legal 500 2017:

Shortlisted for 'Regional Silk of the Year'.

'She is very commercially minded and provides a realistic view of a case's merit.

'A tenacious advocate, who is thorough in her approach; every stone is turned over and fully analysed.'

Chambers UK 2020:

"She is very sensible, yet knows when and how to fight very passionately for her clients." "She's bright, hard-working and an excellent advocate."

"A formidable advocate with good procedural knowledge. She cuts to the chase and has a good eye for detail. She is a brilliant all-round lawyer." "A formidable opponent."

"She is a formidable advocate with good procedural knowledge who cuts to the chase and has a good eye for detail. She is a brilliant all-round lawyer."

"She is very good and has got a good profile nationally. She is a fearsome advocate and her cross-examination is very impressive." "She is very analytical; she lays things out in a sensible, analysed way and she manages client expectations very well."

"She is a formidable advocate with good procedural knowledge. She cuts to the chase, has a good eye for detail and is a brilliant all-round lawyer." "She has an impressive ability to persuade judges to come round to her way of thinking. Without fail all clients are impressed by her."

Chambers UK 2018:

"Extremely academic, extremely good on her feet and expressive without being aggressive." "Exceedingly able, experienced and client-focused. Her advocacy is second to none."

"She is the full package; excellent on paper and a tenacious advocate." "She is extremely thorough and fantastic in court."

"A tough fighter in partnership cases who is certainly very well regarded in the field." "Recommended for high-end work in this space."

"She's excellent, reliable and very professional."

"A phenomenal silk who is excellent in court." "She's in a world of her own in terms of quality and strength. She's fantastic." "Very incisive, very intelligent and very effective in court."

"She is highly intelligent, good on paper, and a very strong advocate." "She is committed to her cases and gets on well with clients."

Chambers UK 2017:

"She is fantastic. A very formidable advocate and she instils a sense of confidence in you when advocating on your behalf. Really top-drawer."

"She has a formidable presence as an advocate and shows softer skills with clients." "A very bright individual, very focused and always on top of papers."

"She advises on complicated partnership disputes and is excellent in her field."

"Lesley Anderson QC is a joy to instruct on a variety of issues. She is a very impressive and powerful advocate who is also extremely approachable." "She has great ability in conference and is fantastic with our clients."

"She exhibits an encyclopaedic knowledge of the law." "Very good on her feet, unstoppable, very responsive and always offers a strategic angle."

"She is very bright, good with clients and tireless in getting the right result."

Chambers UK 2016:

"A tenacious Chancery counsel who is excellent in cross-examination. She is able to dissect cases quickly and is first class in conference. She adopts a real common-sense approach".

"She is very thorough, tactically very astute – a big personality in negotiation". "An excellent advocate who is very empathetic with clients".

"Well respected by clients and judges". "A ferocious advocate and a very good lawyer".

"She's top drawer when dealing with professional negligence issues. She's an exceptional silk at the Northern Bar".

"A great and intelligent advocate: really well prepared and good on her feet".

"She is also razor-sharp and incredibly nice; she's very good with clients." "She is very user-friendly but she doesn't take any nonsense – she's an iron fist in a velvet glove".

Legal 500 2015:

"A tenacious, combative yet measured advocate who always impresses clients".

Chambers UK 2015:

"She's got a first-class mind. She's great with clients, solicitors and juniors." "She's probably one of the most respected silks in Manchester. She is a very punchy cross-examiner."

"A forthright advocate who doesn't miss any points."

"She is very, very strong in everything she does. She's excellent." "Lesley Anderson has a fantastic and well-earned reputation."

"She is very hands-on and the quality of her advice is excellent." "She is as impressive as ever and works on high-profile cases." "A truly exceptional silk." "If there's anything difficult or complex you need your number-one team on, she's your first port of call."

The Chambers 100 UK Bar 2014:

"Combines approachability, technical ability and excellent tactical judgement."

Chambers UK 2014:

"She is tremendously commercial and has an easy confidence which is infectious. She is robust but adaptable in her approach."

"She is exceedingly thorough; a fantastic team player who really gets on with clients and puts her heart and soul into the case."

"She commands considerable respect and authority in the courtroom."

"She is exceedingly thorough and a fantastic team player. She really gets on with clients and she puts her heart and soul into a case."

"She has a tremendous courtroom ability – she can just scythe through the other side's witnesses and evidence."

"She is hard to beat at the regional Bar for insolvency matters; she is great on paper and even better on her feet."

"She is exceedingly thorough, a fantastic team player and really gets on with clients."

Legal 500 2014:

"Extremely thorough and very user friendly"

"Meticulous on paper and devastating on her feet"

Chambers UK 2013:

Is "extremely methodical and very professional."

"A great advocate who presses every point until it gets home." and "effective at drawing out of witnesses answers which they may have resisted giving."

"Is a calm and collected" barrister who is both "proactive and knowledgeable." "She gets to grips with the matter at an early stage in order to overcome difficult issues from the off."

Is "hard to beat at the regional Bar for insolvency matters; she is great on paper but even better on her feet." Anderson is widely respected by fellow barristers, who appreciate her experience and preparation in proceedings, "I think her main characteristic is her ability to foresee the potential problems at an early stage," say those that use her.



Lesley Anderson QC

