

# Jennifer Maughan

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I am an English, Hong Kong and British Virgin Islands qualified lawyer with 12 years' post-qualification experience. I am based in London, having spent 10 years in Hong Kong at an international firm practicing offshore work, primarily dealing with disputes involving Cayman and BVI entities with operations in Asia. I have a broad contentious insolvency and restructuring and commercial litigation practice focussing on high value fund disputes, valuation disputes and contentious insolvency proceedings. My role involves providing on-going advice and representation, preparing court papers, instructing counsel (internal and external) and expert witnesses to appear on our clients' behalf in court proceedings in the Caribbean and generally project manage litigation proceedings as they proceed to trial. My team also provides advice to our transactional team's clients on litigation risk, amongst other things.

## PROFESSIONAL EXPERIENCE

### **Walkers – Senior Counsel – insolvency and dispute resolution**

**October 2020 – present**

- Acting for a Dubai-headquartered Cayman Islands company in financial distress with international operations in 16 jurisdictions and advising it in connection with the appointment of soft touch provisional liquidators to present a compromise to its creditors; acting for the provisional liquidators and official liquidators when ultimately appointed
- Acting for a Cayman Islands company in financial distress and advising it in connection with the appointment of soft touch provisional liquidators to assist a broader restructuring of the group's operations in Africa
- Acting for receivers appointed over shares in a BVI company as part of a broader restructuring of the group's debt
- Providing ongoing advice and support to my corporate and finance team in connection with enforcement, insolvency and contentious matters

### **Mourant Ozannes – Counsel – litigation, insolvency and restructuring**

**November 2016 to September 2020**

- Acting on three high value appraisal actions in the Cayman Islands, advising shareholders of companies being taken private from public exchanges where the shareholders are dissenting to the price offered for their shares. These are valuation proceedings where the courts will be asked to determine the fair value of the shareholders' shares. They are highly contentious and often deal with novel points of procedural law at the interlocutory stages
- Acting for joint provisional liquidators of a Cayman Islands company, appointed in Hong Kong seeking limited recognition in the Cayman Islands to permit them to apply to wind up the company and to be appointed as joint provisional liquidators in its home jurisdiction. So far as we are aware, this application was unprecedented and the first time an application of this nature has been granted
- Acting for the independent directors of a sole limited partner of a very valuable Cayman Islands exempted limited partnership in circumstances where its alleged ultimate beneficial owner is claiming that a massive fraud has been committed by the partnership's general partner and investment manager, including issuing disclosure proceedings under statute, issuing proceedings dealing with a short point of contractual interpretation and seeking injunctive relief in support of intended arbitration proceedings
- Acting for companies whose former boards have been accused of fraud and defending proceedings brought against them to wind up the companies on just and equitable grounds
- Providing on-going litigation support to Mourant Ozannes' Hong Kong transactional team, advising their clients on contentious matters

**Harney Westwood & Riegels – Senior Associate – commercial litigation and insolvency**

**October 2012 to June 2016**

- Acting for a high net worth individual seeking disclosure of documents by way of letters of request issued to the Cayman courts
- Acting for various companies in insolvent winding up proceedings in both the BVI and the Cayman Islands
- Acting for BVI companies in the enforcement of their security in circumstances where the right to enforce their security interest is being contested
- Acting in a shareholders' dispute requiring the intervention of the BVI court to manage the proper conduct of the company's business
- Acting for a Hong Kong-listed company incorporated in the Cayman Islands in a petition to wind up the company on just and equitable grounds (a shareholders' dispute where the management of the company had been accused of fraud)
- Assisting in various interim relief applications in the BVI and the Cayman Islands in support of foreign proceedings (primarily injunctive relief and disclosure applications)
- Acting on a creditors' scheme of arrangement in the BVI as part of the larger restructuring of a group of companies in the petrochemical industry
- Acting on the company side of a take-private transaction where shareholders dissented to the price offered for their shares
- Acting as offshore counsel to a HK-seated arbitration advising on interim relief available in support of arbitration in the Cayman Islands

**Allen & Overy, Hong Kong – Registered Foreign Lawyer – litigation / arbitration**

**October 2010 to October 2012**

- Acting for multinational oil and gas companies on a billion dollar oil and gas UNCITRAL arbitration against a state counterparty with issues including profit calculation, audit issues, contractual interpretation and arbitrability
- Acting for investment banks in financial services litigation and arbitration, primarily India-related disputes, including a derivatives dispute and an onshore private equity investment dispute
- Acting for investment banks with a team offering assistance, advice and support during on-going regulatory investigations
- Advising individuals who have been accused of criminal conduct in South East Asian jurisdictions from their business activities in those jurisdictions, including giving general advice in relation to strategy, extradition and MLA requests

**Herbert Smith LLP (now Herbert Smith Freehills), London – Trainee solicitor (experience by reference to seat)**

**Aug 2008 to Sept 2010**

- M&A – working on EDF's EUR 13 billion takeover of British Energy
- Real estate finance – working for a number of investment banks on high-value real estate debt financing transactions, usually involving a number of jurisdictions
- International arbitration – working on matters including construction arbitration, shipping-related disputes, pensions mis-selling and medical arbitrations (including LCIA, ICC, and SCC arbitrations)
- South-East Asian dispute resolution (based in Herbert Smith's Singapore office) – acting for a multinational aircraft manufacturer regarding litigation in Indonesia; acting for an investment bank in relation to an onshore derivatives dispute in Indonesia (including criminal charges being brought against the bank representatives); and preparing ad hoc advice, for example, on employment law and civil proceedings under the supervision of the supervising partner

**EDUCATION**

**London School of Economics and Political Science**

Dec 2020: LLM in International Law (Merit)

**BPP School of Law, London**

Sept 2007 to June 2008: Legal Practice Course (Commendation)

**University of Northumberland**

Sept 2005 to June 2007: Common Professional Examination (Commendation)

**University of Newcastle**

Sept 2000 to June 2003: BA (Hons) in English Literature (2:1)

Sept 2003 to Sept 2004: MA in Literary Studies: Writing, Memory, Culture (First Class)

**Central Newcastle High School / Tynemouth College**

- **A Levels** – English Literature, French, History and General Studies (AABB)
- **GCSEs** – English Literature, English Language, Mathematics, History, Geography, Chemistry, Latin, Art, French and Design (A\*A\*A\*A\*; AAAAA; B)