

Kirsten Bailey

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PROFILE

Admitted in both England & Wales and South Africa, Kirsten is a litigation lawyer with a diverse practice in contentious trusts, private client, construction, insolvency and commercial litigation. Kirsten is a member of the *Chambers and Partners* and *Legal 500*-ranked Jersey dispute resolution team at Collas Crill. She has a strong interest in financial technology and its impact on the law, and in particular blockchain-related disputes.

Kirsten is noted in the *Legal500 2022* rankings as "*an extremely good associate*".

Kirsten qualified in South Africa and practised there for two years before making the move offshore to the Channel Islands. She is motivated and ambitious, with keen problem-solving skills and the ability to work well both independently and collaboratively.

EMPLOYMENT HISTORY

Associate, Dispute Resolution, Collas Crill

October 2019 – January 2022, St Helier, Jersey

- Responsible for day-to-day management and strategic decision-making in a wide range of matters across the insolvency, trusts and private client pillars.
- Key clients include high net worth individuals, trust companies and insolvency practitioners.
- Able to both independently manage files with minimal oversight, and work collaboratively on large matters reporting to Advocates and Partners.
- Works with various other practice areas including commercial, funds and international private client teams, and with on-shore counsel.
- Responsible for drafting pleadings and correspondence, case management, document management including e-discovery, and client liaison.
- Experience in multiple forms of Court proceedings and private mediation.
- Co-author of multiple articles for LexisPSL and in-house technical briefings.

Representative experience

- Acted for an ultra-high net worth beneficiary of a network of trusts across many offshore jurisdictions in a long-running dispute regarding administration of the trusts following the death of the settlor.

- Direct support to the advocate in the matter leading to the judgment of the Jersey Royal Court *In re H Foundation* which clarified the legal position on the application of the doctrine of mistake to Jersey foundations.
- Key team member for the lead appellant in the *ZII Trusts* Privy Council appeal alongside two leading QCs. The decision is awaited but is expected to have far-reaching impacts on the Jersey trust industry and offshore trust in general in relation to the priority of debts in situations of insolvency.
- Assisted a high net worth property owner in achieving a significant confidential settlement of a construction dispute relating to a multi-million Pound residence.
- Acted for the former director of a Jersey company in complex derivative proceedings stemming from the collapse of a large land fund.
- Advised the trustee of a large Jersey trust on the recovery of a debt in complex circumstances, including consolidating advice from the USA, Panama, Switzerland and others.

Associate, General Commercial Litigation, Bowmans

February 2018 – October 2019, Johannesburg, South Africa

- Case-managed trials and motion/application proceedings in South Africa, Tanzania and Botswana.
- Clients included local and international financial institutions, high net worth individuals, major players in the logistics and food and beverage sectors, pharmaceutical companies and various Johannesburg Stock Exchange-listed entities.
- Provided strategic advice on dispute avoidance and risk mitigation in high profile situations.
- Responsible for witness consultations, attending to pre-trial proceedings, managing discovery (physical and e-discovery) and drafting pleadings.
- Core team member for various urgent applications, class action defences, and rights enforcement actions.

Representative experience

- Assisted a UK-based bank in multi-million Pound litigation instituted in Tanzania by a government agency on the back of fraudulent bank guarantee documents.
- Represented a high-net-worth individual in defamation proceedings against a Botswanan newspaper and a political party contesting South African presidential elections, in proceedings in Botswana and South Africa.
- Advised a global financial institution on the winding-up of a trust that owns many South African heritage landmarks.
- Member of the core team responsible for defending class-action proceedings instituted against a European vehicle manufacturer in relation to diesel emissions for vehicles sold in South Africa.
- Assisted South Africa's largest institutional taxpayer in litigation against the *fiscus* regarding unlawful tax determinations totalling billions of Rands.

Candidate Attorney, Bowmans

January 2016 – January 2018, Johannesburg, South Africa

- Experienced different practices within the firm through four six-month seats: mergers and acquisitions, anti-trust and general commercial litigation (two rotations for a total one year period).

TERTIARY EDUCATION

LL.B (with distinction), University of Pretoria

January 2012 – December 2015, Pretoria, South Africa

- Degree conferred with distinction.
- Top-ranked law school in Africa.
- 54 modules; 51 passed with distinction or academic exemption.
- Member of the Moot Court team – 7th place overall in All Africa International Human Rights Moot Court; individually ranked top 15 speakers in All Africa International Human Rights Moot Court; placed in best speaker, best memorials and highest overall score in local moot courts.
- Student Representative Council gold award and half colours for leadership (2015).
- Judge (2014) and Deputy Judge President (2015) of the Constitutional Tribunal of the University of Pretoria.
- Head Tutor: Department of Jurisprudence (2013 – 2015).
- Completed Summer Vacation Programme in trial advocacy, offered by Pretoria Bar.