

# HOLLY DOYLE

Call 2008

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Holly Doyle is a barrister with a broad range of experience and expertise in **Insolvency**, **Commercial** and **Property & Estates** law. She is joint Head of the **Court of Protection** and Public Law team.

Holly is also a regular speaker at seminars and events and a guest lecturer at the University of the West of England, Bristol.

## Expertise

### Insolvency

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Holly's Insolvency/restructuring work (both paperwork and advocacy), spans the full gambit of both personal and corporate Insolvency from straightforward winding up / bankruptcy petitions to complex transaction avoidance claims.

Chambers & Partners 2014 notes that "commentators recommend her as a go-to for tricky misfeasance cases, and contested applications for possession and sale."

She is currently acting as junior in a multi million pound Insolvency claim involving multiple allegations including misfeasance, preference payments and solicitor's and office holder's negligence.

### Featured Insolvency cases

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Conducting the trial of a contested possession and sale application which raised issues of equitable accounting and the equity of exoneration and drafting.

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Advising and conducting the trial of a successful claim in respect of two TUVs and a void disposition, which raised interesting issues as to the application of the equitable defence of change of position.

## Commercial Dispute Resolution

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As a Commercial barrister, Holly undertakes advisory work, drafting and litigation in all areas of commercial practice including:

- Contract
- Debts claims
- Agency
- Bailment
- Sale and supply of goods and services
- Corporate disputes (unfair prejudice petitions and derivative actions)
- Insurance
- Restraint of trade and breach of confidence
- Consumer credit and credit hire

She has substantial experience in the County Courts, including interlocutory hearings, fast-track and multi-track trials and appeals.

Holly has a particular interest in the professional indemnity/ negligence field (both claimant and defendant work) and this forms a substantial part of her commercial practice (further details can be found set out under that practice area heading).

## Professional Negligence

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Holly's interest in this field stems from a secondment to the Insurance and Reinsurance Group at CMS Cameron McKenna Solicitors, during her pupillage. Professional Negligence and indemnity work consequently forms a substantial part of her commercial practice.

She undertakes both claimant and defendant work in all areas, from relatively modest claims to those valued in excess of £1m.

### Featured Professional Negligence cases

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Defending an accountant against allegations of misrepresentation regarding their certification that company accounts met the conditions of a business grant.

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Advising a business owner in respect of negligent advice given by his former accountant with regard to his VAT position.

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Defending a financial advisor against an allegation that he negligently failed to deal with an insurance policy upon its maturation so as to provide a source of retirement income.

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Advising on the merits of an additional claim by an insurance broker against a placing broker to claim monies paid out to a client who was allegedly given incorrect advice in relation to policy coverage.

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Advising a Claimant whose ATE insurers had wrongfully denied cover in respect of an adverse costs order in excess of £200,000. The insurers ultimately accepted their position was unsustainable.

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Defending many and various claims brought against surveyors and valuers by both purchasers in relation to overvaluation of residential and 'buy to let' properties and by banks relating to mortgage and remortgage valuations.

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Claim against an architect for alleged negligent design of a construction project, costs estimation and failure to supervise a proper tendering process.

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Claims against a building contractor for defective work to both residential and commercial premises.

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Defending a firm against allegations of negligence and breach of bailment regarding their possession of client documents.

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Defending a firm against a claim by the joint purchaser of a property for allegedly negligently failing to protect her beneficial interest in the purchased property by an entry on the Land Register.

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Claim against a firm of notaries who failed to advise her properly in respect of a property purchased overseas.

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£1.5m claim against a firm of solicitors for delay in prosecuting litigation which caused significant business losses.

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Claim against a software developer for negligence in relation to the development of a software and hardware system for the processing of card transactions and management of cash payments.

## Banking & Finance

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Holly undertakes drafting, advisory and litigation work in all aspects of asset recovery for banks and individuals, including consumer credit, and has particular experience in all aspects of mortgage work and guarantees.

She frequently deals with contested applications for possession and is well versed in the very many issues which often arise in the context of such applications, including allegations of undue influence, mistake, misrepresentation, undisclosed beneficial interests, constructive trusts, priorities and subrogation etc.

## Court of Protection

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Holly jointly heads the Court of Protection and Public Law team in Chambers.

### Property & Financial Affairs

Holly leads Chambers' property and financial affairs work in the Court of Protection.

Building on her strong Commercial background, she deals with:

- The appointment, removal and replacement of deputies, and the removal of attorneys.
- Advice to attorneys and deputies regarding their powers, responsibilities and fiduciary obligations.
- Applications for the Court to determine questions concerning the management of a protected party's finances or property.
- Applications for approval by the court of a course of action where an attorney or deputy is affected by a conflict of interest.
- Allegations of financial abuse or mismanagement against attorneys and deputies.
- Applications arising from investigations by the Office of the Public Guardian.
- Contested capacity disputes.

### Health and Welfare

Holly also accepts instructions on behalf of vulnerable adults (through a litigation friend or the Official Solicitor), local authorities, health bodies and family members in cases involving personal welfare applications, (including residence, contact and care arrangements and cases involving safeguarding issues), as well as challenges to deprivation of liberty authorisations under the Mental Capacity Act 2007.

## Education

- Demy Scholar of Magdalen College, Oxford

## Appointments

- Guest lecturer at UWE Bristol, teaching legal aspects of information management for the Msc in Information Technology