

HOLLY DOYLE

CALL: 2008

'She is always well-prepared and will fight to the nth degree for her client'

LEGAL 500 2022

Email: holly.doyle@guildhallchambers.co.uk

Tel: 0117 930 9000



Holly 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.

PRACTICE AREAS

- Insolvency
 - Commercial
 - Professional Negligence
 - Banking & Finance
 - Court of Protection
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INSOLVENCY

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 UK 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. Recent other work includes conducting the trial of a contested possession and sale application which raised issues of equitable accounting and the equity of exoneration and drafting, 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.

Holly is also a regular speaker at seminars and events.

COMMERCIAL

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

Holly interest in this field stems from a secondment to the Insurance and Re-Insurance 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.

Her experience belies her year of call, and includes:

ACCOUNTANTS

- Defending an accountant against allegations of misrepresentation regarding their certification that company accounts met the conditions of a business grant.
- Advising a business owner in respect of negligent advice given by his former accountant with regard to his VAT position.

FINANCIAL ADVISORS

- 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.

INSURANCE BROKERS

- 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.
- 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.

CONSTRUCTION PROFESSIONALS

- 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 re-mortgage valuations.
- Claim against an architect for alleged negligent design of a construction project, costs estimation and failure to supervise a proper tendering process.
- Claims against a building contractors for defective work to both residential and commercial premises.

SOLICITORS & BARRISTERS

- Defending a firm against allegations of negligence and breach of bailment regarding their possession of client documents.
- 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.
- Claim against a firm of notaries who failed to advise her properly in respect of a property purchased overseas.
- £1.5m claim against a firm of solicitors for delay in prosecuting litigation which caused significant business losses.

IT PROFESSIONALS

- 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

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

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

Property and 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) and challenges to deprivation of liberty authorisations under the Mental Capacity Act 2007.

RECOMMENDATIONS

LEGAL 500 2022

Company and Insolvency

'She is always well-prepared and will fight to the nth degree for her client.'

CHAMBERS UK 2021

Banking & Finance

Handles highly complex banking and finance litigation as part of her wide-ranging commercial disputes practice. She acts on behalf of banks and financial institutions as well as individual clients. She frequently handles mis-selling and professional negligence claims involving financial advisers.

Strengths: "I was very impressed. She gets to the heart of a matter very quickly and brings clarity to cases."

Recent work: Represented the claimant in *Womersley v Transglobe Independent Financial Advisors*, a claim for damage caused by unsuitable advice.

Restructuring/Insolvency

Has a broad range of experience that encompasses winding-up and bankruptcy petitions as well as complex misfeasance cases and transaction avoidance claims. She is also capable of handling professional negligence claims against administrators. She is regularly involved in high-value cases appearing before the County and High Courts.

Strengths: "She is always the consummate professional. She has a very measured manner when dealing with clients and instructing solicitors, and her written submissions are always very thorough." "Very good in court."

Recent work: Acted for the bank in Metro Bank v TM, an application pursuant to Section 261(2)(b) of the Insolvency Act 1986 to challenge a debtor's IVA.

Professional Negligence

An established practice in professional negligence arising in various circumstances, including financial services mis-selling and insolvency. She has strong knowledge in respect of claims brought against solicitors, accountants and IFAs.

Strengths: "She gets to the heart of a matter very quickly and brings clarity to cases."

Recent work: Acted for the claimant in a claim against an IFA for damage caused by advice to invest her life savings into a high-risk offshore bond wrapper wholly invested in an unregulated collective investment scheme in Arizona.

LEGAL 500 2021

Company and Insolvency

'Holly's written advocacy is the best of any opponent I have been against. She is meticulous in her preparation and is able to make the key points in a concise and powerful way. Her oral advocacy is silky smooth and highly persuasive. She has a very calm court manner and gives the impression of being totally unflappable.'

CHAMBERS UK 2020

Restructuring / Insolvency

Has a broad range of experience that encompasses winding-up and bankruptcy petitions as well as complex misfeasance cases and transaction avoidance claims. She is also capable of handling professional negligence claims against administrators. She is regularly involved in high-value cases appearing before the County and High Courts

Strengths: "A very good advocate." "Her written work is excellent." Recent work: Instructed in Re Altala Group and Altala ELM, a misfeasance claim brought by the liquidators against the former administrators of two companies.

CHAMBERS UK 2019

Restructuring / Insolvency

Has a broad range of experience that encompasses winding-up and bankruptcy petitions as well as complex misfeasance cases and transaction avoidance claims. She is also capable of handling professional negligence claims against administrators. She is regularly involved in high-value cases appearing before the County and High Courts.

She has a keen eye for detail and achieves excellent results. She is consistently highly impressive and has a great eye for detail.

CHAMBERS UK 2018

Restructuring/Insolvency

Leading Junior - Band 2

Has a broad range of experience that encompasses winding-up and bankruptcy petitions as well as complex misfeasance cases and transaction avoidance claims. She is also capable of handling professional negligence claims against administrators. She is regularly involved in high-value cases appearing before the County and High Courts.

Strengths: "She is very personable and thorough with her work and presentation."

Recent work: Instructed in a claim against the former directors of a company concerning misfeasance and preference payments in the period of trading prior to the company's liquidation.

CHAMBERS UK 2017

Restructuring/Insolvency

Leading Junior - Band 2

Has a broad range of experience that encompasses winding-up and bankruptcy petitions as well as complex misfeasance cases and transaction avoidance claims. She is regularly involved in high-value cases appearing before County and High Courts.

Strengths: "She is very thorough."

Recent work: Represented a trustee in a contested application for possession and sale of a property held by the bankrupt under a deed of trust, which it transpired was a sham.

CHAMBERS UK 2016

Restructuring/Insolvency

Leading Junior - Band 2

She has a high level of expertise in handling transaction avoidance and complex misfeasance matters, and is also expert at dealing with winding-up and bankruptcy matters.

Strengths: "She is a very clear and analytical advocate."

CHAMBERS UK 2015

Restructuring/Insolvency

Leading Junior - Band 2

Acts in a wide range of commercial and insolvency disputes, and is highly regarded for her work in both corporate and personal insolvencies. She is recognised as a commercial and effective adviser and advocate.

Expertise: "She is a pragmatic and very proactive advocate."

Recent work: She acted successfully for the trustee in bankruptcy in seeking a possession and sale order of a property seemingly owned by the bankrupt and his wife and son as joint tenants.

CHAMBERS UK 2014

Restructuring/Insolvency

Ranked as "up and coming".

Undertakes a broad range of insolvency and restructuring work, and has built up a body of experience which belies her relatively junior year of call. Commentators recommend her as a go-to for tricky misfeasance cases, and contested applications for possession and sale.

Expertise: "To say that she is a safe pair of hands for insolvency work is to dramatically undersell her considerable capabilities."

Recent work: She was instructed on behalf of the trustee of a bankrupt for declarations and orders against the bankrupt's son.

CHAMBERS UK 2013

Restructuring/Insolvency

Holly Doyle is praised by market sources for being "a very bright and able individual". She is making her mark on instructing solicitors who praise her enthusiasm and dedication.

APPOINTMENTS:

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

- Demy Scholar of Magdalen College, Oxford - First
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RECENT NEWS

- Essential guide on Insolvency Practitioners Published
 - Bank settles on second day of trial in first case to address the direct application of the COBS Rules to a mis-sold swap
 - Welcome to another edition of the Guildhall Chambers Property & Estates Team Newsletter, June 2016
 - Property & Estates E-News - Court Of Appeal Decision In Parmar v Upton - December 2015
 - Guildhall Chambers quiz night goes down a "sturm" - September 2015
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Guildhall Chambers, 23 Broad Street, Bristol BS1 2HG Tel: 0117 930 9000 DX: 7823 Bristol

holly.doyle@guildhallchambers.co.uk | www.guildhallchambers.co.uk