

LEON KUSCHKE

Called: 1979

Profile:

Leon Kuschke, who was a leading commercial silk in South Africa before he took tenancy with Erskine Chambers in 1995, has a mixed litigation and advisory practice in England. Here he has, on the instructions of leading City firms amongst others, been involved in company related professional negligence and directors' breach of duty matters, large warranty claims, take-over disputes, and shareholders unfair prejudice litigation. His proficiency in South African and English Company Law is of great value to English companies engaging in commercial ventures with Southern Africa.

Leon lives in Surrey and is married with two daughters. He was born in 1953.

He appeared in South Africa in 1998 to lead as counsel in the first demutualisation of a life insurer undertaken in South Africa.

Education:

B.Comm; LI.B. (Stellenbosch, South Africa)
CEDR qualified mediator.

Practice Areas:

His practice areas are: Company Law, Corporate Insolvency, related professional negligence (solicitors and accountants) and commercial disputes. He undertakes a wide range of advisory and litigation work in the areas of shareholder disputes, corporate restructures and take overs, accounting issues, share valuation and warranty claims. He has regularly provided advice to South African and other overseas companies investing and litigating in the United Kingdom.

Since joining Erskine Chambers, Leon has undertaken extensive advisory work and been involved in:

- Acting for a leading Football Club in litigation against former directors.
- Representing a major fashion and cosmetics house in a shareholder's action arising from intellectual property disputes.
- Advising the International Rugby Football Union and companies in the sporting industry.
- Finalising South African insolvency litigation in a large corporate collapse, acting for Court appointed administrators against creditors challenging securities.
- Litigating against solicitors for negligence in drafting joint venture shareholders' agreements.
- Successfully defending a UK quoted company in the High Court against a shareholder's challenge of a compulsory take-over.
- Appearing in contested litigation for employees resisting compulsory share buy-out provisions.

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- Representing claimants in large warranty claims under share sale agreements.
- Numerous unfair prejudice petitions.
- Advancing claims against accountants and solicitors for negligence involving substantial settlements for clients.
- Drafting and advising on a variety of shareholders' agreements.
- Defending directors against disqualification proceedings.

Publications:

Contributor to Law Commission Consultation Paper No. 142 - Shareholder Remedies.

Case List:

Holt v. Faulks and City of London Options Limited

Ref: Unreported 11 February 2000

Shareholders Agreement and Articles; pre-emption provisions.

Re Philip Powis Ltd [1998]

Ref: BCLC 756, CA

For successful appellant.

Numerous reported company cases in South Africa