

LESLIE KOSMIN QC

Called: 1976 Silk: 1994

Education:

Gonville and Caius College, Cambridge
Harvard Law School

Degrees:

M.A. LL.M. (Cantab) LL.M. (Harvard)

Career:

Admitted to the Middle Temple: January 1973

Chancellor's Medal in English Law, University of Cambridge 1974

John F. Kennedy Scholarship to Harvard Law School 1974-75

College Lecturer in Law and Supernumerary Fellow of Gonville and Caius College, Cambridge 1975-78

Called to the Bar: July 1976

Appointed Queen's Counsel: April 1994

Deputy High Court Judge: April 2001

Master of the Bench of the Middle Temple 2004



What the Journals say:

Ranked in: Chambers and Partners

Company, Restructuring/Insolvency and Commercial Dispute Resolution

Leslie Kosmin QC is a delightful person to work with and *"a great court animal."* He is technically astute, explores things in depth and *"never misses any points."* His notable work includes *Akai Holdings v Ernst & Young*, a matter concerning professional negligence and efforts by the liquidator to recover in excess of £400 million. (Chambers and Partners)

"hugely helpful and technical silk," "Top-quality and down to earth in his manner," he is comfortably in the top rank of leading company barristers. (Chambers and Partners)

"...makes a lovely working atmosphere," Leslie Kosmin QC was recently seen in *Akai Holdings Limited v Ernst & Young*. He is highly rated. (Chambers and Partners)

Leslie Kosmin QC, meanwhile, is hailed by sources as *"very balanced and user-friendly."* He is someone who has *"a real command of intricate subject matters."* (Chambers and Partners)

Ranked in: The Legal 500
Company and Insolvency

Leslie Kosmin QC *“has a good tactical approach to litigation.”* (The Legal 500)

Practice:

My practice comprises litigation and advisory work in the fields of Company Law and Corporate Insolvency, specialising in internal company disputes, claims in respect of directors' duties, shareholders' rights and remedies, take-overs and aspects of financial services. I advise on the internal operations of a wide range of companies (including major listed companies), public bodies and building societies and as the joint author of a textbook on Company Meetings. I am frequently asked to advise on meetings and resolutions.

I have been instructed in relation to numerous minority shareholder claims, derivative actions “unfair prejudice” petitions and petitions seeking the winding up of companies on the just and equitable ground (under both English law and the equivalent Commonwealth and Hong Kong statutes).

I have also been instructed in relation to several of the largest and most complicated liquidations involving substantial public companies. These have included the liquidation of Akai Holdings Limited, one of the largest insolvencies in the commercial history of Hong Kong, as well as Railtrack Group PLC, Barings Bank, Polly Peck International Plc, Maxwell Communications Corporation Plc and BCCI in the UK.

In addition, much of my work has involved claims of professional negligence against accountants and solicitors. The claims against accountants have largely arisen in relation to allegations concerning the negligent performance of their audit functions and their roles as reporting accountants on acquisitions. The most recent claim of this nature in which I was instructed was that brought by the liquidators of Akai Holdings Limited against Ernst & Young Hong Kong. This claim was settled in September 2009. The actions against solicitors have involved many different aspects of Company Law, including corporate re-constructions, acquisitions and share issues, and more general legal matters.

I have been instructed in relation to legal proceedings throughout the UK as well as in Hong Kong and a number of Commonwealth jurisdictions including Bermuda, the British Virgin Islands, the Cayman Islands, Guernsey, India, Jersey, Malaysia, Singapore, and the Turks and Caicos Islands.

I have appeared in Court and conducted hearings in Hong Kong, Bermuda, the Cayman Islands, the Isle of Man, Northern Ireland and the Turks and Caicos Islands.

Member (and Bar representative) of the Law Commission Working Party on Shareholders' Remedies

Member of the Chancery Bar Association and the Commercial Bar Association

Publications:

Joint author with Catherine Roberts of "Company Meetings: Law, Practice and Procedure", published by Oxford University Press in December 2008.

Advisory Editor in relation to "Directors' Duties" by Professor Andrew Keay, published by Jordans in 2009.

Contributor to "Practice and Procedure the Companies Court" published by LLP (1997), being the author the Chapters on Section 459 Petitions and Just and Equitable Petitions.

Case List:

Akai Holdings Limited v Ernst & Young

Ref: FACV No. 10 of 2009 (30 October 2009), (Court of Final Appeal, Hong Kong)

[jurisdiction in relation to security for costs]

Akai Holdings Limited v. Ho Wing On

Ref: HCMP 1718/2009 (24 September 2009), (Hong Kong Court of Appeal)

[application for leave to appeal against appointment of receiver in support of mareva injunction, assets of a discretionary trust]

Akai Holdings Limited v. Ho Wing On

Ref: HCCL 37/2005 and HCCL 40/2005 (1 September 2009), (Hong Kong, Court of First Instance)

[appointment of receivers in support of a mareva injunction]

Akai Holdings Limited v Thanakharn Kasikorn Thai Chamkat

Ref: CACV 177/2008 (10 August 2009), (Hong Kong Court of Appeal)

[actual and ostensible authority of directors and the basis of knowing receipt claims]

Akai Holdings Limited v Ernst & Young

Ref: FACV No.28 of 2008 (24 February 2009), [2009] HKCU 255, (Court of Final Appeal, Hong Kong)

[use in litigation of liquidators' transcripts of private examinations and interviews, legal professional privilege]

Akai Holdings Limited v. Ho Wing On

Ref: HCCL 37/2005 and HCCL 40/2005 (17 February and 16 April 2009), (Hong Kong, Court of First Instance)

[mareva injunction]

Akai Holdings Limited v. Kasikorn Bank Plc.

Ref: [2008] HKCF1431 (Commercial Court, Hong Kong)

Ting v Borrelli

Ref: [2007] Bda LR73 (Supreme Court of Bermuda)

Joint Liquidators of Kong Wah Holdings Limited v. Grande Holdings Limited

Ref: (2006) 9HKCFAR 766, [2007] 1 HKLRD 116 (Court of Final Appeal, Hong Kong SAR)

Ineos Vinyls Limited v. Huntsman Petrochemicals

Ref: [2006] EWHC 1241

Re British American Racing (Holdings) Limited

Ref: [2005] 2 BCLC 234

Pena v Dale

Ref: [2004] 2 BCLC 508

Land Rover v KPMG

Ref: [2003] 2 BCLC 222 (HHJ Norris QC, Birmingham Mercantile Court)

Macclesfield v Parker

Ref: [2003] EWHC 1846 (Ch)

Jones v Jones

Ref: [2003] BCC 226 (C.A.)

CAS Nominees Limited v Nottingham Forest FC plc

Ref: [2002] BCC 145 (Hart J).

Konamaneni v Rolls Royce Industrial Power (India) Ltd

Ref: [2002] 1 WLR 1269, [2002] 1 BCLC 336 (Lawrence Collins J)

Deakin v Faulding

Ref: (31 July 2001) (Hart J, unreported)

Platt v Platt

Ref: [2001] 1 BCLC 698 (CA)

Great Future International Ltd v Sealand Housing Corporation

Ref: [2002] EWHC 2454 (Lightman J).

Specialist Group International Ltd v. Deakin

Ref: [2001] EWCA Civ 777; [2001] All ER (D) 287

Re CA Pacific Finance Ltd.

Ref: [2000] 1 BCLC 494 (Court of First Instance, Hong Kong)

England v. Smith, re Southern Equities Corp. Ltd.

Ref: [2001] Ch 419, [2000] BCC 123, [2000] 2 BCLC 21 (CA)

Heaton v. AXA Equity & Law

Ref: [2002] UKHL 15, [2002] 2 AC 329, [2002] 2 WLR 1081 (House of Lords)

Banco Nacional de Cuba v. Cosmos Trading Corp

Ref: [2000] BCC 910 (CA)

Re Banque Financiere de la Cité v. Parc

Ref: [1999] AC 221 (House of Lords)