
Julian Wilson

Julian Wilson handles business litigation. His cases concern the breakdown of shareholder, partnership, joint venture, and executive employment relationships, disputes over share schemes, bonuses, profit shares, and earn-out, fiduciary disloyalty, fraud, misrepresentation, and warranties. He regularly acts in cases alleging shareholder unfair prejudice. He is experienced in cross-border litigation and arbitration and disputes involving offshore structures. He has also dealt with many cases concerning unlawful competition, breach of restrictive covenants, restraint of trade, misuse of confidential information, team moves and springboard relief.



Professional Summary

Called 1997

Specialisms

Business Protection

Julian Wilson regularly deals with issues surrounding restraints of trade in service contracts and business sale agreements. He has acted in many Garden Leave and Team Move cases. He appeared in Symbian v Christensen [2001] IRLR 77, CA, a leading case on garden leave and restraint of trade, and in Duarte v Black & Decker Corporation [2008] All ER (Comm) 401 concerning covenants in a LTIP governed by foreign law. He appeared in Hays v Ions [2008] IRLR 904 the first case on the competition ramifications of employee usage of the LinkedIn networking website. He also acted in a number of prominent inter dealer broker disputes concerning staff moves, appearing in interim injunction hearings and at trial. He recently successfully opposed springboard relief in team moves claims against departing employees following an abortive MBO. He defended an NHS Trust facing transfer fee claims by an employment business supplying temporary agency nurses.

He regularly deals with Confidential Information questions in serious misuse injunction cases (most recently in Nuclear Risk Insurers v Gatte (2018)) in disclosure proceedings requiring confidentiality club arrangements, and in restricted reporting cases. He appeared on the assessment of *Wrotham Park* damages in a claim for breach of confidence following the publication on the internet of sensitive pricing and discounting information. He has represented a number of banks and corporations in obtaining misuse injunctions against errant employees. He dealt at trial with the defence to the allegation of downloading, removal and misuse of confidential information in Duarte. He has obtained and opposed springboard relief in numerous cases including those involving team moves. He has also acted in claims of misuse against investment banks and accountants advising in the course of takeovers.

Civil Fraud

Julian Wilson regularly appears in Civil Fraud cases, particularly those involving interim injunctive relief and tracing. He recently represented Tullett Prebon in proceedings to freeze and recover the proceeds of a long running deception by an errant employee using false accounting and diversion of assets. He acted for SAIPEM in a claim to recover the proceeds of a substantial fraud by its payroll officer, obtaining freezing orders and proprietary injunctions, tracing the funds into the hands of third parties, obtaining judgments against the laundering recipients and enforcing disclosure orders by committal for contempt, see SAIPEM Ltd v Stanley [2017] EWHC 2106. He obtained summary judgment, and proprietary vesting orders, in claims against a director fiduciary for misappropriation and misapplication of company monies in LS Systems Ltd v Scott [2015] EWHC 1335 (Ch). He has acted for investors in claims for misrepresentation by fund promoters. He has appeared in cases involving claims

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for conspiracy against executive directors and has represented companies in cases to obtain urgent relief to counter the effects of employee fraud, secret profits and bribes. He defended an ex-banker involved in property lending who was sued for breach of fiduciary duty and the taking of secret commissions in [Bank of Ireland v Rafiq](#) [2013] EWHC 768. He appeared for the telecoms operators in the substantial premium rate services litigation against the PRS exploiters, formulating novel claims and obtaining injunctive relief.

Commercial and Commercial Contract

Julian Wilson is experienced in claims arising out of joint venture disputes, company acquisitions, seller misrepresentation, contested “earn out” entitlements and deferred consideration provisions. He successfully opposed mandatory injunctive relief in the failed merger case: [Dial A Car v Ashton](#) (2018). He has experience in defending warranty claims. He appeared in bitter business sale guarantee litigation following the termination of a joint venture: [Broome & Wellington LP v David Greenstein](#) including in the CA [2009] EWCA Civ. 589.

Julian Wilson has acted in a number of international distributor and exclusive sale relationship disputes in the Commercial Court and in arbitrations. He has experience in agent cases involving commission claims including those by introducers and effective cause “rainmakers”.

Company and Partnership

Shareholder Disputes feature prominently in Julian Wilson’s practice. Recent cases include acting for minority shareholders who had seed-funded a business intelligence start-up in the technology sector; acting for the majority shareholders in an employee owned asset manager facing UP claims from a departing shareholder over leaver terms and share valuation; and acting for a minority preference shareholder threatened with unlawful capital reduction. He acted for Duncan Bannatyne, as majority shareholder, in the defence of a shareholder UP petition and related claim concerning the departure of the Managing Director of the Bannatyne Group. He appeared in [In the matter of Cloudbluff Properties Limited](#) [2011] EWHC 649 (Ch) and in the connected director misfeasance proceedings and related claims in Gibraltar, challenging a Gibraltar Trust. UP claims in which he has acted have involved grounds including exclusion from management; dilution; excessive director remuneration; depressed dividends; unlawful capital reduction; compulsory share transfer; management misconduct, breach of fiduciary duties, and diversion of assets. He has experience of derivative claims, interim relief in UP cases, and of complex share valuation issues. He appeared in [Qayoumi v Oakhouse](#) [2001] All ER (D) 245 described by the Judge as a “bitterly contested and complex derivative action”.

He has also advised and appeared in numerous disputes regarding Partnership and LLP agreements, capital contributions, exclusions, partnership termination, retirement provisions, profit share, and restraint of trade issues. He has negotiated exit terms for a departed partner in a leading international law firm and for an associate in another top practice. Former cases include acting for a law firm in defence of proceedings by a partner excluded for breach of duty and acting for partners in a prominent Hong Kong firm on claims for misrepresentation and breach of a partnership agreement following a failed merger. Julian Wilson has acted for and against Directors and fiduciaries. He recently represented Irina Abramovich in proceedings against the former Manager of her Family Office involving claims for breach of fiduciary duty and restitution of employee taxes, to trial (2019).

Executive Remuneration and Employment

Julian Wilson has appeared in a number of prominent Bonus and Performance Related Remuneration cases including [Cantor Fitzgerald v Horkulak](#) [2004] EWCA Civ 1287, the leading case on the limits of discretion; [Takacs v Barclays Services Jersey Ltd](#) [2006] IRLR 877 in which he upheld novel arguments on the operation of an implied anti-avoidance term; and [Taylor v Motability](#) [2004] EWHC 2619 (Comm) on restitutionary remedies in bonus cases.

He regularly advises in Share Scheme cases, on Remuneration Code issues, deferral terms and leaver provisions, vesting and forfeiture issues and the impact of the restraint of trade and penalties doctrines. He appeared in [Duarte v Black & Decker](#) [2008] All ER (Comm) 401 the

leading case on the role of English public policy as the law of the forum in cases involving restrictive covenants in Long Term Incentive Plans containing a choice of foreign law. He previously acted for a partner in a private equity firm in a claim for investment gain based damages. He acted for Glencore Energy in the defence of a long running and complex Commercial Court claim brought by a former participant in its Swiss law profit participation scheme. He has been an invited speaker at the Share Plan Lawyers Group Conference on two occasions.

Julian Wilson regularly represents executives or employers in complex dismissal claims. He recently acted for Irina Abramovich in proceedings brought by the former Manager of her Family Office. He represented the former MD of McLaren Automotive in his High Court claim for wrongful constructive dismissal, obtaining summary judgment and a £1m interim payment before pursuing his entitlement to shares. In 2012, he represented a former Merrill Lynch equities trader dismissed after an FSA investigation into alleged preferential dealing. He has appeared in a number of prominent whistleblowing cases involving disclosures of sensitive issues including tax evasion, bid-rigging and front-running.

Media and Data Protection

Julian Wilson appeared in [Associated Newspapers Limited v Duncan Bannatyne](#) [2015] EWHC 3467 (Ch) a prominent case concerning the balance between open justice and the privacy of financial remedy proceedings. He also acted for a major investment bank on an application to restrict public disclosure of commercially sensitive confidential information in the course of ET proceedings concerning a whistleblowing claim.

He has acted in a number of data breach cases. He represented an NHS Trust in proceedings against a defaulting waste contractor to injunct the onward sale of computer equipment containing sensitive personal information and in seeking to recover expenses and fines which imposed by ICO for the breach. He has obtained injunctive relief and damages against disgruntled ex-employees involved in malicious data breaches. He has obtained Norwich Pharmacal relief against ISPs to identify data pirates.

Mediation and Arbitration

Julian Wilson's appearances in commercial arbitrations include, in 2019, an LCIA arbitration of a dispute over the payment provisions of a personnel services contract in the oil industry; in Vienna, under the rules of the Vienna International Arbitral Centre, handling an exclusive distributorship dispute in the scientific equipment sector; under LCIA rules, of a negligence claim against an international investment bank acting as valuer of an Eastern European bank in administration; under ACI Rules, of a telecoms agreement; and in ad hoc arbitration of "earn-out" provisions in a Share Purchase Agreement relating to the acquisition of an ISP.

Conflicts of Laws

Julian Wilson's appearances in conflicts of law cases include: [Sanders v Triggor One Limited](#) [2014] EWHC 1646 (Comm); [2014] All ER (D) 187, a case on whether a Gibraltar Fund Investment Prospectus contained a concluded English jurisdiction agreement under Council Regulation (EC) 44/2001, Art 23; [Goldstone v Goldstone & Ors](#) [2011] EWCA Civ 39 on the test for territorial jurisdiction where disputed ownership and control is a preliminary issue in ancillary relief proceedings; [Duarte v Black & Decker Corporation](#) [2008] All ER (Comm) 401 on the role of English public policy as the law of the forum in cases involving restrictive covenants; and [Foote Cone & Belding v Theron](#) [2006] EWHC 1585 (Ch) a worldwide freezing injunction case concerning the test for domicile and residence for the purposes of territorial jurisdiction. He regularly deals with contested forum cases in the High Court and the ET.

Regulatory Law

Julian Wilson acted for a BVI international company in a judicial review and constitutional rights challenge to conduct by the BVI Financial Service Commission in aid of a foreign regulator, including the obtaining of orders for disclosure and cross-examination against the Commission.

He has previously acted in regulatory proceedings involving mis-selling allegations and issues arising from references given by financial services firms. He represented traders before the LIFFE Disciplinary Panel defending charges including Market Conduct and Customer Order Priority breaches. He appeared in [Gregory v Portsmouth City Council](#) [2001] AC 419, a case on whether the tort of malicious prosecution should be extended to disciplinary proceedings, and struck out a MP claim brought in pending proceedings in [Abramovich v Hoffmann](#).

Recommendations

Particularly adept at advising on partnership disputes. Sources recognise his strength in High Court matters” “Very clear and commercial. Good with clients.”

“His advocacy skills are second to none. He is my number one choice.”

Chambers 2018

“A highly regarded advocate” **Legal 500**

“He is an excellent adviser on injunctive relief work. He has a very clear and commercial approach.” “He is a cerebral person who masters complexity with verve.” **Chambers and Partners**

“He is a joy to work with and is operating at a level above some silks” **Legal 500**

“Brings an enviable level of experience to bear when handling major City disputes and commercially sensitive employment issues.”... “approachable, very knowledgeable and an incredibly proactive barrister” **Chambers & Partners**

“He combines considerable commitment and professionalism with a proactive and commercial approach” **Legal 500**

“He is very thorough and a very strong cross-examiner” **Chambers & Partners**

“he is clever, practical and very clear” **Chambers & Partners**

“He is very dogged, determined and possessed of a great will to win” **Chambers & Partners**

“Hugely committed and good on his feet. His preparation for High Court cases is miraculous and meticulous and solicitors particularly appreciate his pragmatism and great attention to detail” **Chambers & Partners**

“His magic circle solicitor’s background has instilled him with great commercial acumen”

Chambers & Partners

“A commercial litigator who also handles employment matters. Charming, bright and extremely user-friendly” **Chambers & Partners**

Recent Cases

Abramovich v Hoffmann

[2018] EWHC 1386 (Ch)

Strike-out of counterclaim for Malicious Prosecution brought in pending action.

SAIPEM Ltd v (1) Barrett (2) Ewart (3) Stanley

[2017] EWHC 2106 (Ch)

Fraud; proprietary restraining and worldwide freezing orders; onward transfer; tracing; summary judgment; disclosure orders in aid of execution; committal for contempt.

Dial A Car v Ashton

(Ch) 2016

Interim mandatory injunction; goodwill in telephone numbers; whether concluded merger.

Richardson v Glencore UK Limited

(Comm) 2016

Swiss Law Share Scheme; Leaver Provisions.

Associated Newspapers v Bannatyne

[2015] EWHC 3467(Ch)

Confidential Information; privacy; media access to statements of case.

In the matter of Bannatyne Fitness Limited

(Ch) 2015

Unfair Prejudice Petition; Contingency Agreement in event of takeover.

LS Systems Limited v Scott

[2015] EWHC 1335 (Ch)

Commercial fraud; misappropriations by financial controller; tracing; summary judgment and proprietary vesting orders.

Sheriff v McLaren Automotive Limited

(QBD) 2014

Replacement of MD during garden leave; breach of contract; summary judgment; rights to participate in share scheme; valuation of rights.

Sanders v Trigor One Limited

[2014] EWHC 1646 (Comm)

Whether a Gibraltar Fund Investment Prospectus contained a concluded English jurisdiction agreement under Art 23 Council Regulation (EC) 44/2001.

Brewcorp Limited v Financial Services Commission

(Eastern Caribbean Supreme Court) 2013

Judicial review and constitutional rights challenge to conduct by the BVI FSC in aid of foreign regulator; obtained orders for disclosure and cross-examination against the Commission.

McGorin v Gibraltar International Trust Corporation

(Gibraltar Supreme Court) 2013

Challenge to Gibraltar trust; true ownership of trust assets.

Bank of Ireland v Rafiq

[2013] EWHC 768 (Ch)

Fiduciary duties; alleged secret commissions; relief from sanctions

Stone v Merrill Lynch

(CLET) 2012

Represented former equities trader dismissed after FSA investigation into alleged preferential dealing.

In the matter of Cloudbluff Properties Limited

[2011] EWHC 649 (Ch)

Unfair Prejudice Petition; whether a Gibraltar company as a volunteer transferee of shares was automatically bound by equitable constraints affecting the transferor.

Goldstone v Goldstone & Ors

[2011] EWCA Civ 39

Offshore structures; test for territorial jurisdiction and applicable court rules where disputed ownership and control is a preliminary issue in ancillary relief proceedings.

Austrian Federal Economic Chamber, Vienna International Arbitration

2010

Appeared for Respondent in claim for breach of exclusive sale agreement, to full hearing and

award.

Wimmer v Nomos Capital

(CLET) 2010

Hedge Fund marketing; discrimination; bonus late payment detriment.

Broome & Wellington LP v David Greenstein

[2009] EWCA Civ. 589

Claim on Business Sale Guarantee following termination of Joint Venture.

Duarte v Black & Decker Corporation

[2008] All ER (Comm) 401

Leading case on the role of English public policy as the law of the forum in cases involving restrictive covenants in employment contracts containing a choice of foreign law; trial of confidential information dishonest copying claim.

Hays v Ions

[2008] IRLR 904

Pre-action disclosure; first case on the competition ramifications of employee usage of the LinkedIn networking web-site.

Shepherd v Phoenix Contracts Limited

(Leics ET) 2008

Represented claimant employee and joint shareholder in whistleblowing claim regarding bid rigging practices.

Petrol Express v RBS and Ernst & Young

(Ch) 2007

Acquisition transaction; duties of financiers and reporting accountants; conflicts of interests and confidential information.

Takacs v Barclays Services Jersey Ltd

[2006] IRLR 877

Bonus claim; upheld novel arguments on the operation of the implied terms of trust and confidence, cooperation and anti-avoidance.

Foote Cone & Belding v Theron

[2006] EWHC 1585 (Ch)

Worldwide freezing Injunction; test for domicile and residence.

LCIA Arbitration

2006

Negligent valuation claim against international investment bank following sale of Eastern European bank in administration.

Maxcor Commercial Inc v Bell

(QBD) 2005

Speedy trial; injunctive relief; team move.

Cantor Fitzgerald v Horkulak

[2004] EWCA Civ 1287

Limits of bonus discretion.

Taylor v Motability

[2004] EWHC 2619 (Comm)

Bonus claim; limits of restitutionary remedies.

London International Arbitration

2003

Appeared for Tanzanian mobile phone corporation in dispute regarding "earn-out" provisions in SPA relating to acquisition of ISP, to full hearing and award.

Qayoumi v Oakhouse Properties Limited

[2001] All ER (D) 245

Complex and bitterly contested derivative action for minority shareholder seeking recovery of misapplied assets.

Symbian v Christensen

[2001] IRLR 77 (EWCA Civ.)

Application of restraint of trade doctrine to garden leave provisions

Gregory v Portsmouth City Council

[2000] 1 AC 419

Malicious prosecution; extension of tort to cover disciplinary proceedings.

Fashion Gossip Ltd v Esprit Telecoms UK Ltd

(EWCA Civ) 2000

Premium Rate Telephone numbers; conspiracy; unjust enrichment.

Qualifications

BA (Oxon) Jurisprudence Solicitor England & Wales 1984-1997; Hong Kong 1989 Solicitor Advocate Higher Courts (Civil) 1994-1997

Called to the Bar Oct 1997 (Inner Temple) Also admitted to the Bar in the Cayman Islands, the British Virgin Islands, and Gibraltar.

News, Articles & Publications

Enforcement of Foreign Arbitral Awards : Fellas, Transatlantic Litigation,(2004);

Anti Suit Injunctions J.B.L. 1997, Sep, 424-437



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