
BRIAN LACY

Call: 2006



Overview

Brian's practice covers the fields both of commercial litigation and employment law. He regularly appears in the the High Court, County Courts and Employment Tribunals (in the UK and in Jersey). He also has experience of appellate courts. Brian has extensive experience of commercial litigation and prior to coming to the bar spent several years in the litigation department of a law firm.

Brian's work often has an international element and he is happy to travel whenever required.

Brian is a member of chambers' CIS Group.

Civil Fraud and Asset Freezing

- Brian was was junior counsel (led by Charles Samek QC) for the successful Respondents in the recent six-day Court of Appeal case *Dadourian Group International v Simms & Others* (No. 3) [2009] All ER (D) 175 (Mar). The case concerned, in particular: causation in deceit; the status of previous arbitration findings; discharge of Worldwide Freezing Orders; and the circumstances in which the Court of Appeal will strike out an appeal.
- Brian also assisted his then pupil master (Sam Neaman) in the leading House of Lords case concerning the jurisdiction of the High Court to grant interim freezing orders in support of foreign proceedings: *Fourie v Le Roux* [2007] UKHL 1.

Fiduciary Duties/Restrictive Covenants/Confidential Information

- Brian was junior counsel (led by Charles Samek QC) in *i-CD Publishing (UK) Ltd & Others v Albert Popkov & Others*, a £1/4 billion pound claim concerning the second largest social networking website in Russia.
- Brian has acted at various stages of "team move" cases including the obtaining of interim injunctive relief.

Business Sale Disputes and General Contract Disputes

- Sole counsel in an ongoing High Court dispute regarding retained funds under a share purchase agreement.
- Sole counsel in a shareholder dispute in the London Mercantile Court.
- Junior counsel (led by Stuart Ritchie) in a two week trial in London Mercantile Court concerning sums owed to Hungarian clients under an open book pricing agreement.
- Sole counsel in a multi-million pound High Court breach of trust claim.
- The successful negotiation of the rectification of a share purchase agreement, eliminating a £1m double payment (led by Ian Mayes QC).
- Numerous contract disputes including the sale and supply of goods and licensing of intellectual property.
- Brian has been instructed on behalf of major insurance companies in construction disputes and product liability claims.

Company Law; Banking and Guarantees; Insolvency; and Property

- Unfair prejudice petitions, breach of director's duties, director disqualification and derivative actions.
- Various Companies Act applications, such as restoration of companies to the Register.
- Brian has acted for a number of major high street banks in claims concerning allegations of negligence, fraud, breach of mandate and unfair charges.
- Enforcement, and resisting the enforcement, of personal and parent company guarantees.

- Brian regularly acts for individual and corporate creditors and debtors.
- Adverse possession; possession proceedings; damages for trespass; and landlord and tenant disputes.

Employment

Brian acts for individuals and companies in cases concerning all areas of employment law including:

- restrictive covenants
- unfair dismissal
- wrongful dismissal
- redundancy
- TUPE
- equal pay
- whistleblowing
- discrimination
- bonus claims/schemes
- restructuring
- negotiation/re-negotiation of contracts and collective agreements

Education, Awards and Publications

Education

MA (Hons.), Philosophy, Edinburgh - First (2000-2004).

GDL, BPP (2004-2005). BVC, BPP (2005-2006)

Awards

Lord Brougham Scholarship, Lincoln's Inn (2005).

Hardwicke Entrance Scholarship, Lincoln's Inn (2005).

Kennedy Scholarship, Lincoln's Inn (2004).

Seth Philosophy Prize, University of Edinburgh (2004).

Skirving Philosophy Prize, University of Edinburgh (2004).

Publications

Brian is a contributor to Restrictive Covenants and Confidential Information, Brearley & Bloch (Butterworths) (3rd edition July 2009).

Brian is a co-author of Security for Costs and other Court Ordered Security, Jordans (2010).