MAITLAND

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ALEC McCLUSKEY

CALL: 2005
Email Clerks



OVERVIEW

Alec McCluskey is a highly experienced commercial and chancery practitioner, with particular expertise in banking and financial services disputes, fraud claims, insolvency, and company and partnership/joint venture matters. His cases often involve international elements or issues concerning asset tracing, trusts and property. He has wide experience of freezing and proprietary injunctions and related interim remedies.

Alec is recommended by the directories for Chancery: Commercial, Banking and Finance, Company and Partnership, and has been described as ***"Incredibly intelligent, incredibly user-friendly and liked by clients", "frighteningly clever but also absolutely great with lay clients"***, ***"Incredibly bright and a delight to work with"*** and ***"an outstanding advocate who goes above and beyond"***.

In court, Alec has been praised by the directories as ***"Brilliantly clever, personable and fantastic on his feet", "A superb advocate", "Incredibly tenacious and proactive" and "a very, very classy performer"***.

Alec holds a Double First in Greats from Merton College, Oxford, and completed his law conversion at City University. He was awarded the Chapman Scholarship by the Inner Temple and was placed top in his year at Bar School, winning the prestigious Scarman Scholarship and the Stephen Seabrooke Memorial Prize.

EXPERTISE

COMMERCIAL LITIGATION & ARBITRATION

Alec acts both as sole counsel and as part of a team in wide ranging and often high value and complex

commercial litigation and arbitration spanning a range of industries including banking, financial services, IT, media & entertainment, natural resources, wealth and asset management and property development. His cases often involve challenging issues of jurisdiction, choice of law and contractual interpretation.

Directories say Alec is "***the whole package***" has a "***commercial and user-friendly approach***", ***"extremely good strategic sense"*** and is ***"Incredibly tenacious and proactive"***.

Notable Cases include

- ***Hunt v Oceania Capital Reserves Ltd [2025] EWHC 837 (Ch). Successfully opposing relief from sanctions where a litigant's compliance with its obligations had been 'illusory'.***
- ***Hunt v IPS Law LLP [2024] EWHC 3395 (Ch). Resisting an application for a stay under the Arbitration Act where the applicant sought to take the benefit of an arbitration clause under the Contracts (Rights of Third Parties) Act 1999.***
- ***Winslet v Gisel*** [2021] 4 WLUK 241. Successfully resisting a challenge to the jurisdiction of the Commercial Court, establishing a precedent on the operation of Regulation (EU) 1215/2012 art.7(1)(b) to contracts of loan.
- ***Bains v Arunvill Capital Ltd*** [2020] EWCA Civ 545 and [2019] EWHC 1749 (Ch). Acting for the successful defendants at trial and in successive appeals in what is now a leading case on the operation of contractual material breach clauses.
- ***X v Y***: Acting in a complex arbitration concerning a cross border merger and the interplay of the company laws of a number of different jurisdictions.
- ***X v Y:*** Acting for the claimant in a substantial arbitration arising out of the supply of materials for oil and gas installations.
- ***X v Y:*** Acting for the defendant in relation to a multi-million pound claim arising out of the sale of a business, raising complex questions of choice of law, jurisdiction clauses and anti-suit injunctions.
- ***Joseph v LEBC Group Limited*** [2018] EWHC 876 (Comm): Acting for the defendant to a claim seeking to challenge the valuation of a business pursuant to an expert determination clause.
- ***Tech 21 (UK) Ltd v Design Blue Ltd*** [2017] EWHC 2288 (Ch) and [2017] EWHC 2722 (Pat): Acting for the claimant in a complex claim raising a combination of commercial and intellectual property issues.
- ***JD Wetherspoon Plc v Harris and others*** [2013] EWHC 1088 (Ch): Acting on behalf of JD Wetherspoon plc in their successful action raising allegations of fraud against their former property finders.
- ***Hutchinson & Anor v Neale & Anor*** [2012] EWCA Civ 345: Acting for the respondents to this appeal which raised important questions of principle concerning the costs consequences where an otherwise successful party to litigation has acted dishonestly in connection with the proceedings (by tampering with a document) and given perjured evidence at trial.

CIVIL FRAUD

Alec has extensive experience in high value and complex civil fraud and asset recovery litigation, often with a cross border and urgent element to it. He has experience of dealing with cases involving freezing injunctions, disclosure orders, receiverships and related relief, including where orders are required under foreign laws in support of English proceedings.

Cases:

- ***Hunt v IPS Law LLP*** [2024] EWHC 3395 (Ch). Obtaining a proprietary injunction against a solicitor alleged to hold monies obtained via investment fraud.
- Acting for a consultant accused of fraudulently accepting bribes in connection with an alleged £20m+ conspiracy.
- Acting for a defendant to a long running conspiracy claim for c.£175m arising out of the transfer of a package of security rights by a lender.
- Assisting with obtaining disclosure and asset preservation orders against offshore fiduciaries in connection with a substantial property fraud.
- Advising on insolvency issues and proprietary rights in a large fraud claim brought by a private family office against a fraudulent fiduciary.
- Obtaining freezing and proprietary injunctions against parties who obtained substantial asset backed loans by deceit. Thereafter obtaining orders (including receivership orders) by way of tracing and enforcement against the proceeds of the frauds.

COMPANY & PARTNERSHIP

Alec is frequently instructed in company disputes involving allegations of prejudice to minority shareholders and misconduct by directors. Alec also acts in substantial partnership disputes either on behalf of partners themselves or on behalf of creditors of partnerships faced with complex legal or factual issues of partnership law. As well as English companies and partnerships, Alec has particular experience of multi-jurisdictional disputes raising questions of foreign company or partnership law.

Directories say that Alec is ***"Very hands-on, incredibly bright and someone who sees issues straight off - including solutions to matters you'd think hopeless"*** and ***"user-friendly, very pragmatic and highly commercial."***

Alec is the editor of the Partnership volume of Atkins' Court Forms.

Notable cases include:

- ***Re Arnbrow Ltd; Re Westridge Estates Ltd*** [2023] EWHC 1771 (Ch): Acting for a respondent to complex company litigation (an unfair prejudice petition and linked double derivative claim) faced with a claim for c.£20m arising out of the operations of a group of companies over many years. Gave rise to a significant decision on the use of company funds to pursue derivative claims.
- ***X v Y***: Global litigation in a number of jurisdictions arising out of the departure of a key staff member from a substantial Fast Moving Consumer Goods conglomerate,
- ***Re Pyser Optics Ltd*** [2022] EWHC 1354 (Ch): s.994 Petition comprising one strand of litigation arising out of a range of investments made by a high net worth individual in a group of companies.
- ***Re X (a partnership)***: Acting for the receivers of the assets of a multi million pound family partnership in a long running Chancery action concerning its dissolution.
- ***A v B***: Substantial international commercial arbitration arising out of the proposed consolidation of an international corporate structure, involving crossclaims alleging various breaches of duty owed to a

minority shareholder.

- ***X v Y***: A multi-jurisdictional claim for tens of millions of dollars raising issues of the interplay of Cayman Island Limited Partnership Law with English and BVI law.
- ***A Bank v X***: Acting on behalf of a lender with security over assets claimed by a partnership, in litigation raising issues as to the interaction of the provision of the Partnership Act 1980 with the ability of lenders to overreach the interest of beneficiaries under a trust.

INSOLVENCY & ASSET RECOVERY

Alec frequently acts for and advises insolvency practitioners on what are often highly technical issues arising out of all forms of insolvency proceedings. Alec has experience of advising on and litigating about Restructuring Plans under Part 26A of the Companies Act.

Notable cases include:

- ***Re Virgin Active Holdings Ltd*** [2021] EWHC 814 (Ch): Acting for a tribunal appointed officer in a leading case on the operation of the new restructuring plan provisions in Part 26A of the Companies Act 2006.
- ***X v Y:*** Advising on insolvency issues and proprietary rights in a large fraud claim brought by a private family office against a fraudulent fiduciary.
- ***A v B***: Acting on a cross border dispute raising questions of the interplay of English and foreign insolvency law, including complex questions of choice of law and set off.
- ***Irish Reel Productions Ltd v Capitol Films Ltd*** [2010] EWHC 180 (Ch), [2010] Bus LR 854, [2010] BCC 588. Acted for the petitioning creditor on a winding up petition which successfully sought its costs as expenses in a subsequent administration. The case raised a novel point of law, which was decided in favour of Alec's client.

BANKING & FINANCIAL SERVICES

Alec is frequently instructed to represent and advise major financial institutions, and has particular expertise in issues relating to secured lending. Directories say "***His ability to grasp key issues and to explain them to finance professionals is extraordinary***" and that he ***"Understands the interplay of risk and reputation management in litigation strategy.***" Alec's work includes:

- Advising leading financial institutions on their practices in relation to mortgage lending and litigation arising out of secured lending, including remediation of issues affecting sizeable portfolios of lending.
- Representing a wide range of lenders in often hotly contested and legally complex litigation in relating to secured lending.
- Litigation arising out of derivatives, swaps and other complex financial instruments.
- Litigation concerning allegations of misconduct by banks such as "front running".
- Litigation and references to the Financial Ombudsman arising out of financial and investment advice.

Cases:

- ***X v Y***: Acting for a defendant to a long running claim for c.£175m arising out of the transfer of a package of security rights by a lender.
- ***X v Y***: Acting for the claimants against a leading financial institution in a damages claim for $850m relating to commodities trading.
- ***X v Y***: Acting for the claimant against a high street bank in a damages claim for hundreds of millions of pounds arising out of interest rate derivatives and the actions of a "business support" unit.
- ***Fern Trading Ltd v Greater Lane Ltd*** [2021] EWHC 1939 (Comm); [2021] EWHC 1270 (Comm): Acting for a lender which had accidentally released its security and executed a deed of release without being repaid.
- ***Winslet v Gisel*** [2021] 4 WLUK 241: Successfully resisting a challenge to the jurisdiction of the Commercial Court, establishing a precedent on the operation of Regulation (EU) 1215/2012 art.7(1)(b) to contracts of loan.
- ***Clydesdale Bank Plc v Gough*** [2017] EWHC 2230 (Ch): Acting for the lender in a claim in which the enforceability of its security was challenged on a wide range of factual and legal grounds.
- ***X v Y***: Acting for the defendants to a multi-million pound claim under an aircraft mortgage, in which complex issues of foreign law and their interplay with English proceedings were raised.
- ***Intesa Sanpaolo SpA v Regione Piemonte*** [2014] EWCA 1298; [2013] EWHC 1994 (Comm): Acting for the defendant to this claim arising out of a 1.8 billion Euro bond issue and associated derivative transactions, raising significant questions of the conflict of laws and the circumstances in which declaratory judgments in default should be set aside.
- ***Lombard v Dayah v London Asset Finance*** (QBD, 2011): Defending a claim against a finance broker raising serious allegations of dishonesty against a hotly disputed factual background.
- ***Bank of Scotland v Weisman Rovina*** (ChD, 2011). Acting for the Bank of Scotland on this long running lender action, raising a number of highly technical issues concerning the enforceability of charges in law and equity.

REAL ESTATE

Alec's property litigation and advisory practice spans the range of Chambers' practice. His notable work includes a multi-million pound service charge dispute, advisory work on a large scale restructuring of a portfolio of leases and a dispute concerning the recovery of a million pound deposit.

PROFESSIONAL NEGLIGENCE

Alec acts for both claimants and defendants in professional negligence claims, and is regularly instructed both by leading financial institutions and professional indemnity insurers in relation to claims, particularly those arising out of secured lending and financial services. Alec frequently deals with cases involving complex questions of liability and loss where security rights have been transferred or syndicated.

ADR

Alec's practice involves international and domestic arbitrations under institutional rules as well as ad hoc arbitrations and other forms of alternative dispute resolution such as adjudication under the CEDR Rules for Commercial Adjudication.

MEDIA & ENTERTAINMENT

Alecs's media and entertainment practice largely consists of litigation and arbitration involving media industry participants in connection with commercial and company disputes.

Recent cases include:

- ***Re X***: Acting for the respondents to an unfair prejudice petition arising out of the activities of a company established to finance movie productions for Netflix and other streaming services.
- ***Re Y***: Acting for parties to a dispute between the shareholders in companies established to publish a successful computer game, concerning rights to a sequel and television spinoffs.
- ***Re Q***: Acting on a dispute between a provider of trading software and a provider of financial market data and news services.

INTERNATIONAL ARBITRATION AND RELATED LITIGATION

Alec has a substantial international commercial arbitration practice, largely acting as sole counsel on behalf of large funds, corporates or lenders. He acts in arbitrations under LCIA, SIAC, ICC, SCC and LMAA rules, as well as ad hoc arbitrations and related applications under the Arbitration Acts, including applications to stay litigation in favour of arbitration, injunctions in support of arbitrations and applications to set aside arbitral awards for errors of law or lack of substantive jurisdiction. His cases often involve conflict of law issues, including the impact of English equitable obligations on international commercial relationships.

Recent cases include:

- ***X v Y***: Acting for the claimant in a substantial international commercial arbitration under SIAC rules arising out of the exercise of a put option concerning shareholdings in a multi jurisdiction joint venture in the commodities space.
- ***Hunt v IPS Law LLP*** [2024] EWHC 3395 (Ch). Resisting an application for a stay under the Arbitration Act where the applicant sought to take the benefit of an arbitration clause under the Contracts (Rights of Third Parties) Act 1999.
- ***A v B***: Acting for the claimant in an international commercial arbitration under LCIA rules arising out of the placement of capital into a private equity fund.

- *X v Y*: Substantial international commercial arbitration arising out of the proposed consolidation of an international corporate structure, involving crossclaims alleging various breaches of duty owed to a minority shareholder.

PROFESSIONAL NEGLIGENCE

Alec acts for both claimants and defendants in professional negligence claims, and is regularly instructed both by leading financial institutions and professional indemnity insurers in relation to claims, particularly those arising out of secured lending and financial services. Alec frequently deals with cases involving complex questions of liability and loss where security rights have been transferred or syndicated.

DIRECTORY QUOTES

"Outstanding in every area. Incredibly helpful and accessible. Extensive knowledge of the law. Equally good on paper as he is on his feet. Clients love him. He is so impressive knows no weaknesses!"

Legal 500 UK Banking and Finance (2027)

"Alec is brilliant. He is an extremely able advocate who is all over the detail and extremely calm. He is an advocate who inspires confidence."

Chambers UK Media & Entertainment (2027)

"His court advocacy is calm and persuasive, and he is adept at fierce cross-examination, delivered in a subtle style that judges really like. He is excellent with clients and delivers advice in an assured manner."

Legal 500 UK Commercial Litigation (2027)

"Alec is user-friendly, good tactically, easy to work with, knowledgeable and someone with a lot of good ideas. He offers pragmatic and practical advice."

Chambers UK Chancery: Commercial (2027)

"Excellent client communication skills. Personable approach and commercial advice. Alec can tailor his advice to any level of client, which is a skill set that is rare. Delivers concise and strategically useful advice. He's also very consistent and available for ad hoc queries."

Legal 500 UK Company (2027)

"Alec took command of the matter immediately and inspired total confidence. He has an effortless grasp of the complexities of partnership law, and his commercial judgement is razor-sharp."

Chambers UK Partnership (2027)

"He has excellent sector knowledge and is able to communicate well with clients, adopting a commercial and strategic approach right from the start of the instructions."

Legal 500 UK Media and Entertainment (2027)

"Alec has brilliant oral advocacy skills...He is laser-focused, and his forensic ability to marshal documents and vast tracts of information is excellent. Alec is invaluable in large complex cases. Alec ticks all the boxes."

Chambers UK Media & Entertainment (2027)

"Alec McCluskey is super-bright, incredibly helpful, highly proactive and someone whom clients love. He is the complete package."

Chambers UK Partnership (2026)

"Alec McCluskey is brilliant - he's really smart and always really calm, however fraught the situation."

Chambers UK Partnership (2026)

"Alec is very user-friendly and cuts through the detail to provide very straightforward, logical advice. He can take really complex matters and distil them into something really client-friendly."

Chambers UK Partnership (2026)

"User-friendly with an outstanding intellect, he is a strong advocate who is superb at cross-examination."

Legal 500 UK Company (2026)

"Alec McCluskey is razor-sharp and really nice to work with. He is also very responsive."

Chambers UK Partnership (2026)

"Alec is extremely impressive. Very bright and tactically astute."

Legal 500 UK Banking and Finance (2026)

"Alec is very, very bright, strong on the law and great at drafting. A man who comes up with great suggestions, he's very practical, very helpful and available when needed. "

Chambers UK Chancery: Commercial (2026)

"Alec was extremely impressive throughout. Clearly very bright, but also tactically astute with impressive leadership qualities."

Legal 500 UK Commercial Litigation (2026)

"Alec is a good advocate who is very careful. He's a real safe pair of hands."

Chambers UK Chancery: Commercial (2026)

"Alec is brilliant. He is sharp-witted, excellent with clients, brilliant on his feet and someone who really gets the commercial angles of his cases."

Chambers UK Chancery: Commercial (2025)

"He is incredibly bright, with a mischievous twinkle in his eye, and someone you can rely on to always come up with the best strategy."

Chambers UK Chancery: Commercial (2025)

"Alec McCluskey is a highly persuasive and impressive advocate."

Chambers UK Partnership (2025)

"Alec McCluskey is quick, efficient and conscious of the economic realities of a case. He is also very strong technically and highly astute."

Chambers UK Partnership (2025)

'Incredibly bright and a delight to work with, Alec is an outstanding advocate who goes above and beyond.'

Legal 500 Company (2024)

"His ability to grasp key issues and to explain them to finance professionals is extraordinary. His drafting is a very strong suit."

Legal 500 Banking and Finance (2024)

"A very bright, capable and responsive lawyer, whose commercial and user-friendly approach makes life easy for those that instruct him."

CHAMBERS UK Chancery: Commercial (2023)

"Alec is frighteningly clever but also absolutely great with lay clients. He is extremely well organised and takes a meticulous approach without being pedantic."

Chambers UK Commercial Client (2023)

"A sound and wise counsel, who is very user-friendly. He's good on his feet, he gets into the detail and clients like him."

Chambers UK Chancery: Commercial (2022)

"A rising star at the Bar who is extremely responsive and highly articulate." "He is great: he's very user-friendly, good on his feet and someone who gets into the detail."

Chambers UK Partnership (2022)

"Good on detail and on his feet, user friendly and explains things very clearly to clients."

Legal 500 UK Company (2022)

"A banking and finance expert with particular subject matter specialisms in retail and commercial mortgage litigation. Understands the interplay of risk and reputation management in litigation strategy. A superb advocate who is second to none in conference."

Legal 500 UK Banking and Finance (2022)

"He's a very, very classy performer." "He's hugely popular with clients and is very responsive."

Chambers UK Chancery: Commercial (2021)

"Immerses himself in the details of the case and is very easy to deal with." "He is user-friendly, very pragmatic and highly commercial."

Chambers UK Partnership (2021)

"Brilliantly clever, personable and fantastic on his feet – he is excellent with lay clients and puts them at their ease."

Legal 500 UK Banking and Finance (2021)

MEMBERSHIPS

- Chancery Bar Association

- COMBAR
- FSLA

QUALIFICATIONS

- MA (Oxon) - Congratulatory Double First
- Bar Vocational Course – Outstanding, ranked top in year

AWARDS

Chapman Scholarship

Scarman Scholarship

Stephen Seabrook Memorial Prize

AWARDS



Legal 500 2026
Shortlisted for Commercial Litigation Junior of the Year