

Samuel McNeil

Call Date: 2018



Samuel McNeil has a busy commercial, chancery and civil practice.

He appears on a weekly basis as sole counsel in trials, case management hearings and insolvency hearings. He has also been successful against considerably more experienced opponents in multi-track trials and in applications at the High Court.

Samuel spent time as a Judicial Assistant in the High Court, both at the Chancery Division and as the only Judicial Assistant at the Kings Bench Division. He thereby has experience of working closely with High Court Judges in cases of the highest value and complexity, including on:

- *South Bank Hotel Management Company Limited v Galliard Hotels Limited and others* BL-2021-000862
- *Viarentis Property Management Limited and another v Viagefi 1 Limited and others* QB-2021-004601
- *Winchester Park Limited v 1 Palace Gate Freehold Limited* [2024] EWHC 661 (Ch)
- *Lowe v The Governor's of Sutton's Hospital in Charterhouse* [2024] EWHC 646 (Ch)
- *The Financial Conduct Authority v London Property Investments (U.K.) Limited (t/a LPI Emergency Property Finance) and others* [2024] EWHC 1276 (Ch)
- *Akorede and others v National Westminster Bank and others* CH-2023-000206
- *29 Buckland Crescent Management Company Limited v Rojer Taylor White* [2024] EWHC 1480 (Ch)
- *Pradip Daya v Serious Economic, Organised Crime and International Directorate* [2024] EWHC 1091 (Admin)
- *Clark and Others v Adams and the Provisional Irish Republican Army* [2024] EWHC 62 (KB)
- *Booth vs Hinton (As Liquidator of Active Ticketing Limited)* [2024] EWHC 1886 (Ch)

Samuel has a keen awareness of the commercial realities facing clients, including in the context of commercial disputes, insolvency, disputes across different jurisdictions and subrogation. He regularly delivers training to law firms on law and procedure on request.

Legal Services

Company, Civil Fraud, Bankruptcy and Insolvency

Samuel has developed a broad practice across business disputes, particularly in the context of actual, alleged and anticipated insolvency. He has experience in analysing complex factual patterns in claims related to insolvency, pre-insolvency transactions at undervalue and company directors' duties.

3 HARE COURT

Samuel regularly attends the winding-up list for companies, petitioners and supporting creditors. He is also regularly instructed in matters of Bankruptcy.

Recent cases have included:

- Acted as sole counsel representing a foreign royal in a debarring application in a claim worth £75m.
- Advising an administrator as to a company's liabilities under a lease where a landlord had unlawfully prevented the administrator from accessing an industrial site.
- Acting as junior counsel defending a £5,000,000 claim against a company director for alleged breach of a profit-sharing agreement
- Acting as junior counsel advising on a claim for breach of directors duties against a director that had dissipated the value of a private company, *inter alia*, through public statements and incorrect statements made to its regulator.
- Acting as sole counsel for a Claimant property management company in a £1m claim for breaches of fiduciary duty against its former solicitors.
- Acting as junior counsel for the Defendant in a claim for breaches of fiduciary duty in respect of a family company newly inherited by the parties, who were siblings.

Commercial

Samuel has been instructed in a wide range of commercial disputes, in trials and interlocutory hearings, both as sole and junior counsel. Samuel's recent work has included:

- Acting as sole Counsel for the Claimant in a claim by a synagogue against a former Rabbi for breach of a mortgage agreement. Samuel successfully resisted attempts by the Defendant to have the dispute arbitrated by a Beth Din, rather than an English court.
- Acting as Junior Counsel in a successful claim for breach of contract and misrepresentation for recovery of a £560,000 pension from an employer who had inadvertently breached the rules of its own pension scheme by entering the Claimant into the scheme. The Decision was upheld on appeal.
- Acting as sole counsel in a claim for breach of contract and negligence against a broker that had caused losses to a company by failing to meet its obligations under a services agreement.
- Acting as sole counsel for the Defendant in a claim by a Dental Practice against a large global medical device company for sums claimed under a purchase agreement. The claim was successfully struck out.
- Acting as junior counsel acting for a Claimant property company bringing a £750,000 claim in breach of contract and misrepresentation against another company and former provider of services.
- Acting as sole counsel representing a Defendant building contractor against a leading UK builders' merchant and supplier.
- Acting as junior counsel for the Claimant in a £750,000 claim against guarantors under a property financing facility agreement
- Acting as sole counsel representing a Defendant building contractor against a former client who fired the Defendant on the spot as work was commencing, following a heated argument.
- Acting as junior counsel for the Claimant in a claim for damages and injunctive relief against a company for breach of a profit-sharing agreement and unlawful use of confidential information
- Acting as junior counsel acting for the Claimant in a claim seeking a declaration that a mortgage agreement was not binding due to the Claimant's lack of capacity.
- Acting as junior counsel for the Claimant in a claim for unpaid remuneration contingent on an employer's profitability.
- Acting as junior counsel for the Claimant in a negligence claim brought by a business for negligent tax

advice by a former professional advisor.

- Acting as sole counsel representing the Defendant in a £50,000 claim in respect of an alleged oral contract for the sale of goods made in a David Lloyd changing room.

Traditional Chancery

Samuel has a growing traditional chancery practice, including both conventional cases and cases involving unusual fact-patterns engaging esoteric legal principles. By way of example, Samuel has:

- Acted as sole counsel for the Claimants in an application for leasehold enfranchisement in respect of a property owned by the Crown via escheat, after its former freeholder, a Sechelles Company, ceased to exist.
- Acted as sole counsel for a beneficiary challenging the validity of a will, and propounding the validity of a previous will.
- Acted as junior counsel advising in respect of an order declaring that a gift of £1.2m was made on the basis of a mistake, following negligent professional advice.
- Acted as Junior Counsel for the Claimant in a claim for breach of fiduciary duties against the trustee of a bare trust.
- Acted as sole counsel in a Part 8 claim for an order to dissolve an unincorporated association, founded in 1896, and distribute its £300,000 in assets.

Employment and Discrimination

Samuel has a particular interest in employment claims involving sex, race and disability discrimination. He has worked on claims involving discrimination, unfair dismissal, constructive dismissal, wrongful dismissal and breach of restrictive covenants. Samuel's recent work has included:

- Acting as sole counsel representing a senior employee in respect of a whistleblowing detriment claim against a large public property company.
- Acting as sole counsel representing a senior authorised firearms officer in a disability discrimination claim against a police service employer.
- Acting as sole counsel representing a senior officer of a national law-enforcement agency in a claim for discrimination and victimisation.
- Acting as junior counsel for the Appellant in an appeal to the Employment Appeal Tribunal in a wrongful dismissal claim by a head of department against a leading London public school.
- Acting as sole counsel representing the Respondent, a French technology company, in a wrongful dismissal claim by a French former director, employed under an English contract of employment.

Personal Injury, Travel and Aviation

Samuel has experience in fast track and multi-track claims with a cross-border element, and regularly acts for leading tour operators, air and cruise lines and consumers. During pupillage he assisted other members of chambers in the Supreme Court case *X v Kuoni Travel Ltd* [2019] UKSC 37. He frequently appears in cross-border claims involving international treaties, such as the Montreal Convention and the Athens Convention, and in claims under the 1992 and 2018 package travel regulations.

Samuel has a particular interest in claims involving industrial injuries. Samuel's recent work has included:

3 HARE COURT

- Acting as sole counsel in a claim in respect of a serious knife injury sustained by a Border Force Officer at Calais.
- Acting as sole counsel in a claim for injury sustained by a mechanical technician on an offshore multi-level oil and gas rig, off the coast of the United Kingdom.
- Acting as sole counsel in claims for injury sustained on ships and at ports by port operators and ships' crews.
- Acting as sole counsel in claims for injury by aviation workers at airports and on aircraft.
- Acting as sole counsel in claims for injury at construction sites by construction workers and scaffolders.
- Acting as sole counsel in a claim for injury sustained by a private security contractor in Afghanistan.

Public and Constitutional Law

Samuel accepts instructions in a wide range of public law matters, particularly those with an overlapping commercial, employment or common law element. Recent work has included

- Advising a wealth manager in respect of a claim for judicial review against a regulator.
- Representing a deceased's family as interested parties in a jury inquest following the deceased's death at an unlawful construction site.
- Representing an insurer as an interested party at an inquest into the death of an insured travelling abroad during the COVID-19 pandemic.
- Advising a government department on the drafting of new legislation regulating vessels in UK seas and inland waters.

Direct Access

Sam is able to accept instructions directly from members of the public, companies and other entities through the public access scheme (also known as direct access). He is happy to accept instructions on a direct basis in appropriate cases. If you wish to instruct Sam on a direct basis, please speak to the practice managers.

For more information on public access, please see the Bar Council [website](#).

Memberships

- Commercial Bar Association (COMBAR)
- Personal Injury Bar Association (PIBA)
- R3: Association of Business Recovery Professionals (R3)
- Professional Negligence Bar Association (PNBA)
- London Common Law & Commercial Bar Association (LCLCBA)
- Finnish-British Chamber of Commerce (FBCC)

Qualifications

- BA History, School of Oriental and African Studies (First Class)
- MSt, St Antony's College, Oxford (Distinction)
- GDL (Distinction)
- BPTC (Very Competent)
- LLM, London School of Economics

Awards

- Lord Brougham Scholarship, Lincoln's Inn
- Lord Denning Scholarship, Lincoln's Inn
- Hardwicke Entrance Award, Lincoln's Inn
- LSE ELSA-IAS 2019 Arbitration Moot Winner