

## Stephen Hackett

Call Date: 2011

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### Stephen Hackett is a Commercial and Chancery practitioner.

Stephen advises on complex and high value disputes concerning company law, trusts, pensions, insolvency, real property and other aspects of traditional Chancery law, as well as professional negligence, costs, commercial disputes and civil fraud claims. Stephen has particular expertise in the field of personal property law, and is the author of "The Ownership of Goods and Chattels", published by Hart in 2020.

He has been particularly prominent in professional negligence claims involving tax advisors. He has represented advisors, clients and introducers in multiple disputes, including the leading cases on the negligence implications of Employee Benefit Trusts that have not delivered the tax benefits advertised, and the scope for unwinding such trusts.

Prior to coming to the Bar, Stephen spent five years training and practising as a solicitor at two leading commercial firms, including a six-month secondment to Barclays Wealth's financial services legal team.

Stephen regularly acts for large businesses and individuals of high net worth and on occasion substantial public profile. He is accustomed to representing clients operating in highly regulated industries and those subject to considerable regulatory and public scrutiny.

Away from chambers Stephen enjoys cricket and other sports, cooking, the countryside and fly fishing.

## Legal Services

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### Commercial

Stephen acts in complex high-value disputes, often including a cross-border element. Cases often involve domestic and international sales of goods, supply of software services, joint ventures, and the vindication of minority shareholders' rights. In 2022 Stephen appeared as junior counsel in *Emerdata v Nix* [2022] EWHC 718 (Comm), which clarified the availability of the third party disclosure jurisdiction at CPR 31.17 against foreign nationals.

Asset recovery and claims involving dishonest misappropriation of assets or confidential rights form a major strand of this area of Stephen's practice. Stephen also has extensive experience with arbitrations under various rules, and cases involving seeking the court's intervention in support of arbitrations."

## Insolvency and Company Law

Stephen practices extensively in insolvency law in both personal and corporate contexts.

Stephen's cases in this area have for several years been at the forefront of insolvency law. In 2018 he acted for the bankrupt, Paul Baxendale-Walker in one of the highest value (by debts allegedly owed) and most intensely disputed bankruptcies of recent years. In 2019 Stephen successfully appeared in the Court of Appeal in [Gwinnutt v George \[2019\] EWCA Civ 656](#), which clarified the scope of the bankrupt's interests that transfer to a trustee in bankruptcy on their appointment. In 2020 Stephen successfully appeared in the High Court for Emerdata Ltd, the parent company of Cambridge Analytica, seeking access to documents held by its subsidiaries' liquidators for potential use in litigation against Alexander Nix, Cambridge Analytica's former CEO. The decision clarified the scope of s.155 Insolvency Act 1986 in the context of benefitting a creditor in separate litigation, which would yield a profit share for the insolvent estate.

## Professional Negligence

Stephen regularly acts in non-clinical professional negligence cases, especially against legal practitioners, financial advisors and property professionals.

In recent years Stephen has become particularly known for his work in professional negligence cases involving tax advisors, acting for taxpayers, advisors and intermediaries in a great many such cases. His expertise is rooted in participation in the "Iain Barker EBT" litigation, including appearances in the Court of Appeal in [Barker v Baxendale-Walker \[2018\] 1 W.L.R. 1905](#) and [Glover v Barker \[2021\] 1 W.L.R. 231](#) as well as significant High Court judgments in [Glover v Barker \[2018\] EWHC 2965 \(Ch\)](#) and [Twin Benefits Ltd v Barker \[2017\] EWHC 1412 \(Ch\)](#). Collectively these cases comprise almost the entire body of case law on the professional negligence implications of employee benefit trusts and the possibility of unwinding those trusts.

## Property Litigation

Stephen has always had a substantial real property practice. This includes within its scope construction disputes, the existence or otherwise and protection of interests in land, and mortgage law, including both lender's and borrower's rights and actions for redemption. He appeared in the Court of Appeal in [Healey v Fraine & Ors \[2023\] EWCA Civ 549](#), which clarified the law as to the interplay between the modern statutory adverse possession regime and the ancient common law principle that possession had to be without permission to qualify as adverse.

In compliment to his real property practice, Stephen is one of the few barristers to have built extensive expertise in personal property law. His book on the subject was published by Hart in 2020. In practice, this expertise translates into innovative insights into problems arising in a range of areas, including especially probate, trusts, insolvency and asset recovery.

## Memberships

- Property Bar Association
- Commercial Bar Association (COMBAR)