

# Alex Cunliffe



Alex practises in a wide range of commercial and chancery work including banking and finance, civil fraud and insolvency.

Prior to coming to the Bar, Alex spent several years working in-house for Lloyds Bank.

He acts for a range of major lending companies, and is regularly instructed by in-house legal teams. Alex also has a strong practice in civil fraud and is instructed by national firms in consumer credit, secured lending and harassment cases as well as advising on strategy for group litigation.

Alex specialises in Consumer Law and has detailed knowledge of the Consumer Credit Act 1974 and the associated secondary legislation, both in an advisory capacity and in enforcing and defending regulated credit and hire agreements. Alex has evaluated documentary suites for potential remediation exercises and has provided detailed advice on the impact of (retained) European legislation such as the CCD and the MCD (as regards both consumer buy-to-let and article 3(1)(b) credit agreements). He was part of the team devising a high street Bank's response to the mass claims arising from reported PPI mis-selling and has continued to act in this area for the past 13 years. Alex also acted pro-bono for victims of the mis-selling of credit alongside bankruptcy annulment services and has regularly instructed by both high street lenders, specialist lenders and individuals on all areas of the law.

In appropriate circumstances Alex accepts Direct Access instructions.

He is married with two small children, and, if he has time, enjoys kickboxing and Brazilian Ju-Jitsu.



**Year of Call: 2001**

Contact Practice Manager

Joe

[joe@lambchambers.co.uk](mailto:joe@lambchambers.co.uk)

020 7797 8307

## Further information

### Qualifications

- BA (Hons), French and Italian, University of Wales Swansea

### Memberships

- Chancery Bar Association
- FSLA





## **Banking & Finance**

Alex regularly appears and advises both individual and commercial borrowers, as well as a number of major financial institutions, including Natwest, Investec, Lloyds Bank and NRAM.

Alex regularly advises and conducts litigation arising out of all aspects of financial services and the provision of financial advice. He appears regularly on behalf of both borrowers and lenders in relation to proceedings under the Consumer Credit Act, as well as challenges raised by compliance with COB/COBS, ICOB/ICOBS and other regulatory provisions.

Alex continues to develop a particular specialism with respect to claims for the mis-selling of interest rate hedging products, such as Swaps, as well as other derivative products.

More broadly, Alex also has extensive experience with respect to appearing in, and advising upon, disputes as to enforceability of a range of financial instruments including loans, guarantees and indemnities. Alex also conducts litigation, on behalf of the borrower or lender, with respect to the management of banking and credit facilities including the liability of financial institutions for fraudulent transactions on their customer's accounts.

## **Commercial**

Alex has a general commercial practice dealing with all contractually based claims, guarantees, supply of goods and services, and company and partnership disputes.

Alex's experience within this area includes disputes of significant value concerning the sale of goods and carriage of goods, including six figure claims concerning the manufacture and supply of specialist retail products and disputes arising from the construction and renovation of commercial buildings.

Alex advises and appears in a range of contentious matters concerning corporate governance including shareholder disputes, derivative actions and restrictive covenants. He has frequently acted in claims relating to the misuse of confidential information, including the construction of undertakings, the discharge of



injunctions and costs. With respect to non-contentious matters, Alex has advised upon a range of matters including shareholder agreements, option agreements and employee incentive share schemes.

Alex is also regularly instructed to both advise and appear in regard to a range of disputes concerning the construction and rectification of commercial documents.

## **Insolvency**

Alex practises a wide range of corporate and personal insolvency work. He acts for both individuals and companies including on behalf of Trustees-in-Bankruptcy and LPA and Fixed Charge Receivers. In corporate insolvency he acts for officeholders, creditors and companies and advises on issues from the interpretation of CVAs to administration expenses. He has recently advised on the interaction of pensions law and insolvency with a focus on practical advice for managing a shortfall on part disposal of a group of companies, as well as on the question of damages for malicious presentation of a winding up petition.

