



Alexandra Whelan

Call 2016

"Alexandra is very strong and well suited to the most complex commercial claims."

Chambers & Partners

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Alexandra Whelan is described as an “extremely clever” commercial junior, who “writes with great precision and finds creative angles in cases” (*Chambers & Partners*).

She acts for regulators, corporates, financial institutions and individuals in commercial and regulatory cases. Her expertise includes aviation, civil fraud, the regulation of financial and legal services, public law, and general commercial litigation (raising issues of contract, tort, and restitution). She is currently acting on behalf of NMC Group companies in proceedings arising out of a substantial fraud perpetrated against those companies and their subsequent administrations.

Alexandra undertook her initial legal training in Australia. She qualified as an Australian lawyer in 2011 and worked in the Dispute Resolution group at King & Wood Mallesons and then as an Associate (judicial assistant) at the Federal Court of Australia. Before transferring to the English bar, Alexandra completed the BCL (distinction) and MPhil in Law (distinction) at Oxford University and worked as Teaching Fellow at University College London.

Recent Highlights

NMC Healthcare Ltd (in administration) (subject to a deed of company arrangement) and Ors v Dubai Islamic Bank PJSC and Ors [2023]

Acting for the Claimants in proceedings in the courts of the Abu Dhabi Global Markets concerning security issues arising in the context of a substantial fraud perpetrated against the NMC Group companies and their subsequent administrations (variously with Bankim Thanki KC, Felicity Toubé KC, Henry King KC, Nico Leslie, Matthew Abraham and Damien Bruneau).

Dargamo Holdings Limited v Avonwick Holdings Limited [2021] EWCA Civ 1149

Acting for the respondent in the appeal arising out of a fraud trial, raising issues of restitution (with Laurence Rabinowitz KC and Ben Woolgar).

Mohamed Hassan El Haddad v Khulood Abdulla Hassan Al Rostamani (& oths) [2021] EWHC 1892 (Ch)

Acting for the First to Seventh Defendants in their challenge to the jurisdiction of the English court to hear the Claimant's claims arising out of an alleged business partnership in the UAE (with Stephen Moriarty KC and Giles Robertson).

Avonwick Holdings Limited v Azitio & Others [2020] EWHC 1844 (Comm)

Acting for the claimant and others in an eight week trial of a billion dollar claim and counterclaims, raising issues of governing law, foreign law (Ukrainian), civil fraud, contract, and restitution (with Neil Calver KC, Edward Ho, and Ben Woolgar).

European Film Bonds A/S & Others v Lotus Holdings LLC & Others [2020] EWHC 1115 (Ch)

Acting for defendants in a dispute about contractual interpretation (with Laura John KC).

Expertise

Administrative & Public Law

Notable Administrative & Public Law cases

Advising regulators on matters relating to PSD2, contract law, and judicial review.

Advising corporate clients on judicial review of decisions taken by regulators (including the Civil Aviation Authority, the Financial Conduct Authority and the Office of Gas and Electricity Markets).

Aviation & Travel

Notable Aviation & Travel cases

Regularly appearing in the County Court in claims for compensation under Regulation 261/2004 (as sole counsel).

Regularly appearing in claims against airlines alleging breach of contract, negligence and/or under the Montreal Convention (as sole counsel).

Advising corporate clients on judicial review of decisions taken by the Civil Aviation Authority.

Banking & Finance

Notable Banking & Finance cases

Regularly appearing for banks in defending claims before the County Court alleging, amongst other things, misrepresentation, breach of contract, negligence, and breaches of the Data Protection Act 1998 (as sole counsel).

Advising banks on their legal and regulatory obligations concerning complaints and the Financial Services Ombudsman process (as sole counsel).

Advising regulators on matters relating to PSD2, contract law, and judicial review.

Advising on and defending claims concerning the alleged mis-selling of interest rate hedging products (during pupillage).

Advising on financial regulatory issues, including the powers and competencies of the FCA and FOS, and the Financial Services Handbook (during pupillage).

Civil Fraud

Notable Civil Fraud cases

NMC Healthcare Ltd (in administration) (subject to a deed of company arrangement) and Ors v Dubai Islamic Bank PJSC and Ors [2023]

Acting for the Claimants in proceedings in the courts of the Abu Dhabi Global Markets concerning security issues arising in the context of a substantial fraud perpetrated against the NMC Group companies and their subsequent administrations (variously with Bankim Thanki KC, Felicity Toubé KC, Henry King KC, Nico Leslie, Matthew Abraham and Damien Bruneau).

Avonwick Holdings Limited v Azitio & Others [2020] EWHC 1844 (Comm)

Acting for the claimant and others in an eight week trial of a billion dollar claim and counterclaims, raising issues of governing law, foreign law (Ukrainian), civil fraud, contract, and restitution (with Neil Calver KC, Edward Ho, and Ben Woolgar).

Commercial Crime

Notable Commercial Crime cases

Advising on allegations of bribery and corruption.

Commercial Disputes

Notable Commercial Disputes cases

NMC Healthcare Ltd (in administration) (subject to a deed of company arrangement) and Ors v Dubai Islamic Bank PJSC and Ors [2023]

Acting for the Claimants in proceedings in the courts of the Abu Dhabi Global Markets concerning security issues arising in the context of a substantial fraud perpetrated against the NMC Group companies and their subsequent administrations (variously with Bankim Thanki KC, Felicity Toubé KC, Henry King KC, Nico Leslie, Matthew Abraham and Damien Bruneau).

Bondholders dispute

Acting for bondholders in a dispute concerning the redemption of bonds.

Dargamo Holdings Limited v Avonwick Holdings Limited [2021] EWCA Civ 1149

Acting for the respondent in the appeal arising out of a fraud trial, raising issues of restitution (with Laurence Rabinowitz KC and Ben Woolgar).

Mohamed Hassan El Haddad v Khulood Abdulla Hassan Al Rostamani (& oths) [2021] EWHC 1892 (Ch)

Acting for the First to Seventh Defendants in their challenge to the jurisdiction of the English court to hear the Claimant's claims arising out of an alleged business partnership in the UAE (with Stephen Moriarty KC and Giles Robertson).

Various Claimants v Barclays Partner Finance

Acting in defence of multiple claims brought against Barclays under the Consumer Credit Act 1974 arising out of alleged mis-selling of timeshares (with James Duffy, Nick Daly and Orestis Sherman).

Avonwick Holdings Limited v Azitio & Others [2020] EWHC 1844 (Comm)

Acting for the claimant and others in an eight week trial of a billion dollar claim and counterclaims, raising issues of governing law, foreign law (Ukrainian), civil fraud, contract, and restitution, and in supplementary applications for indemnity costs and freezing orders (with Neil Calver KC, Edward Ho, and Ben Woolgar).

European Film Bonds A/S & Others v Lotus Holdings LLC & Others [2020] EWHC 1115 (Ch)

Acting for three defendants in a dispute about contractual interpretation (with Laura John).

European Film Bonds A/S & Others v Lotus Holdings LLC & Others [2019] EWHC 2116 (Ch)

Acting for three defendants in an application for a stay of proceedings under the Arbitration Act and/or the Court's inherent jurisdiction (with Laura John).

Acting for a Chinese individual and Hong Kong company in proceedings in the High Court concerning a complex, multi-jurisdictional commercial dispute about a joint venture interest in multi-million-pound global assets and raising issues of Chinese, Hong Kong, Luxembourg, and English law; and appearing for the same clients in resisting an application for security for costs (with James McClelland).

Acting for the defendant in proceedings in the County Court alleging breach of contract in the context of an employment relationship (as sole counsel).

Acting for the claimants in bringing proceedings for breach of contract, applying for default judgment, and advising on jurisdictional matters (as sole counsel).

Acting for the defendant/counterclaimant in a nuisance claim before the County Court (as sole counsel).

Competition

Notable Competition cases

Unlocked Ltd & Others v Google Ireland Ltd & Others [2018] EWHC 1363 (Ch)

Acting for the claimants in the High Court in bringing proceedings under the Competition Act 1998 for abuse of dominant position; appearing for the claimants / applicants in bringing applications for service out of the jurisdiction and by alternative means, an interim injunction, a confidentiality order, and an expedited hearing (with Rhodri Thompson KC and Nicholas Gibson).

Professional Discipline

Notable Professional Discipline cases

Solicitors Regulation Authority v Ehsan Kabir & Lauren Anderson

Acting for the SRA in a disciplinary matter in the Solicitors Disciplinary Tribunal (with Chloe Carpenter KC), with an

ancillary application in the High Court (as sole counsel).

Solicitors Regulation Authority v Andrew Abereoje

Acting for the SRA in an application for variation of conditions on a practice certificate and costs hearing in the Solicitors Disciplinary Tribunal (as sole counsel).

Alexandra also gained broad experience of professional discipline work during pupillage, including assisting counsel with advice on disciplinary action against solicitors by the SRA and the scope and effect of the regulatory framework.

Directory Quotes

"Alexandra is extremely clever. She writes with great precision and finds creative angles in cases."

Chambers & Partners

"Alexandra Whelan is highly responsive, very good at drafting and impressively assured and client-friendly."

Chambers & Partners

Directory Rankings

Chambers & Partners – Global

- Commercial Dispute Resolution

Chambers & Partners

- Commercial Dispute Resolution

Education

- Bar Transfer Test, BPTC (2016)
- MPhil in Law (Distinction), New College, Oxford University (2015-2016)

- Bachelor of Civil Law (Distinction), New College, Oxford University (2014-2015)
- College of Law and admitted to practise as an Australian Lawyer (2011)
- Bachelor of Law (First Class Honours) & Bachelor of Arts (Major in History & Minor in French), The University of Melbourne (2005-2010)

International Bar / Court Appointments

- Qualified as an Australian lawyer (2011)

Appointments, Memberships and Prizes

- Teaching Fellow, University College London (Property II course which covered trusts law and related equitable doctrines) (2015-2016)
- Law Faculty Graduate Prize (for Philosophical Foundations of the Common Law), Oxford University) 2015
- Allan Myers Oxford University Scholarship, Oxford University (2014-2015)
- Associate (judicial assistant) to the Hon Justice Julie Dodds-Streeton and, subsequently, to the Hon Justice Jennifer Davies, Federal Court of Australia (2013-2014)
- Solicitor, Dispute Resolution, King & Wood Mallesons (Melbourne, Australia) (2012-2013)
- Graduate Lawyer, King & Wood Mallesons (Melbourne, Australia) (2011)
- Ormond Scholar (Law) Award, Ormond College, The University of Melbourne (2006)
- Ormond College Centenary Scholarship, Ormond College, The University of Melbourne (2005)

Publications

- Co-author (with Joshua Getzler), 'Common Law and the Constraint of Financial Markets: Credit Rating Agencies as a Test Case' in Kit Barker, Karen Fairweather, and Ross Grantham (eds), *Private Law in the 21st Century* (Hart Publishing, 2017), ch 13
- 'Proprietary rescission and the impact of insolvency' (2012) 23(1) *Journal of Banking and Finance Law and Practice* 3

Languages

- French (fluent)

Awards

