

Michael Workman

Called: 2019



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Practice Overview

Michael joined New Square Chambers in October 2020 following successful completion of his pupillage under the supervision of Nigel Hood, Alexander Learmonth, Aidan Briggs and Stephen Schaw Miller.

During pupillage Michael gained experience in advising on civil fraud proceedings, estates and issues of inheritance tax, property disputes relating to adverse possession and landlord/tenancy matters, proprietary estoppel, and insolvency matters including claims of constructive trust. In particular, Michael assisted with the trial of the challenge to the late Lord Templeman's will with Alexander Learmonth (*Goss-Custard v Templeman* (2020) EWHC 636 (Ch)). Michael has also appeared in the county court and high court in relation to insolvency and small claims.

Michael welcomes instructions across Chambers' practice areas in the full range of commercial-chancery work including insolvency, trusts, estates, property, commercial litigation, civil fraud and company matters.

Prior to coming to the Bar, Michael was admitted as a barrister and solicitor in the Supreme Court of Western Australia, working for the State Solicitor's Office the principal legal adviser to the Government of Western Australia. His experience there included advice to Ministers and department heads across a range of commercial and public matters. He also had experience both led and unled in trials, including in pursuing the former Lord Mayor of Perth for disciplinary action, in which he appeared in the Court of Appeal of Western Australia in interlocutory hearings. He also has considerable experience in defamation both in his time as a judicial assistant to the Honourable justice Kenneth Martin of the Supreme Court of Western Australia, and in the State's largest defamation trial: *Rayney v The State of Western Australia* [No 9] [2017] WASC 367.

Insolvency

During pupillage and being instructed in his own right, Michael has provided advice on:

- A constructive trust claim in the context of personal insolvency
- Advising a director in response to claims of wrongful trading and breach of director's duties brought by a liquidator

- Advising a company in administration in relation to advising a large pool of potential creditors as to their claims in the context of privacy concerns
- Advising liquidator in relation to whether the transfer of a loan between related entities was a void transaction for the purposes of insolvency
- Advice on whether it was possible to pierce the corporate veil in relation to the purchase of expensive property involving an arms-length insolvent party
- Appearing in his own right in relation to a successful application to annul a bankruptcy

Trusts and Estates

During pupillage, Michael has provided advice on and assisted with:

Alexander Learmonth's successful trial in relation to defending challenges to the will of the late Lord Templeman
Advice and drafting of particulars of claim in relation to an undue influence claim involving an expensive and rare motor vehicle

Advising in relation to multiple 1975 Act claims

Advising in relation to setting aside disposition of trust in the Bahamas pursuant to the rule in *Hastings v Bass*

Drafting pleadings in relation to claims challenging testamentary capacity, want of knowledge and approval and undue influence

Advising in relation to claims in proprietary estoppel, including donatio mortis causa, inheritance tax and capital gains tax

Advising in relation to potentially negligent advice given in relation to estate planning and consequent inheritance tax implications

Property

During pupillage Michael has provided advice on and been instructed in his own right:

- Advice in relation to adverse possession claims
- Advice in relation to possession and forfeiture proceedings, particularly in relation to attempted assignment of leases where landlord could not unreasonably refuse to assign
- Drafting witness statements in relation to border dispute claims
- Drafting of closing submissions in relation to harassment claim attached to a border dispute

Commercial Litigation

Michael has advised on and been instructed in his own right in relation to:

Defence of a small claims matter in relation to a contractual debt

Successful application to set aside default judgment in relation to a county court judgment that was damaging the applicant's credit rating

Assisting Nigel Hood with preparation for an urgent injunction and in relation to a wide disclosure application in furtherance of a worldwide freezing order

Advice in relation to waiver of privilege in the context of ongoing proceedings where documents had been referred to in witness statement filed by respondent