IWIRC MEMBER PROFILE - JULIET SCHALKER

Juliet Schalker

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Education:

I grew up and attended school in South Africa. I subsequently studied for a BA LLB at one of South Africa's top universities, Rhodes University, and graduated in 2005 in the top 15 law students in the country. I went on to complete my training contract at a firm in South Africa and qualified as an Attorney of the High Court of South in 2008. On moving to the UK, I re-qualified as a solicitor.

Qualifications: BA LLB (First); Attorney of the High Court of South Africa; Solicitor in England and Wales

Years in Profession: 10 years PQE

Questions:

1. What attracted you to restructuring and insolvency?

I was fortunate to join an excellent Insolvency & Commercial Litigation team at Debenhams Ottaway, who already had a thriving contentious insolvency practice. Whilst my practice had always included an element of contentious insolvency, the depth and breadth of the work the firm undertakes and the overlap with commercial disputes was impressive. At the time of my joining, the team were handling a number of high profile, complex and interesting insolvency

cases, so I couldn't help but get involved. I quickly learned to love this area of work and I haven't looked back since.

1. What do you like most about this type of work?

I love the forensic element involved in finding a claim and putting together the puzzle-pieces to try ascertain what really happened. I also enjoy the strategy involved in identifying assets and viable routes of recovery at an early stage, to ensure that the claim is going to result in payment for the insolvent estate. Litigators are sometimes guilty of chasing a pyrrhic victory but contentious insolvency experiences creates a real discipline of focusing on the recovery, not just the win.

2. What has been your proudest professional moment?

If I had to choose one, I would probably say being made up to Partner before I was 30, as that had always been a professional goal of mine.

3. Which case that you've handled do you consider to be the most important so far in your career?

I was very lucky to work on the case of Tiuta International Limited (in liquidation) v De Villiers Surveyors Limited that went to the Supreme Court last year on a narrow but important point of causation in professional negligence claims against surveyors. I was acting for the insolvent lender who had relied upon a negligent valuation report when refinancing a property development loan for several million pounds. The point in dispute was whether the surveyor was liable for the whole loss suffered or just the "top up" amount lent as part of the refinance. This decision has important ramifications for the insurance and lending industries and has been widely reported. It also highlights that it is not just insolvency claims that IPs should be considering. Often professional negligence claims provide a good source of recovery for IPs. It's an area I find has common overlap with insolvency.

4. What do you find the most challenging aspect of your work?

I suppose it's finding time to do all the things that I want to do in the day. I love fee earning and it is easy to get immersed in a complex case and half the day has disappeared, whereas I also enjoy business development and meeting new and interesting contacts but I often struggle to find enough hours in the day to balance the two (not to mention the usual team and firm management time!).

5. What advice would you give to young female practitioners entering the field?

I would advise any young person starting out to look at ways in which they can add value to their firm and/or their clients, over and above doing their job well. Show initiative, speak up and get noticed for the right reasons. Also, start building a network of peers from day one, both an internal network who will support you as you grow through your organization and an external network who may be able to refer work to you as they progress through the ranks.

6. What is your opinion of promoting gender equality in the workplace?

I am very fortunate to work at a firm where female Partners are in the majority and we have a high ratio of female staff. The firm was one of the top 20 firms in the country for diversity in the 2016 Lawyer Magazine survey. We promote based on merit alone and not gender.

However, as an industry, we do need to do more around flexible/part-time working (whether it be for childcare, looking after aging parents or any other reason) so that it is not stigmatized or associated mainly with women. Men also need to feel supported and able to work flexibly without it impacting on their careers. We, as an industry, need to work towards supporting vulnerabilities in the workplace, whether they be experienced by women, men, minorities, etc.

7. What big changes would you like to see in the industry in the next year, 5 years, decade?

Looking long term, in 10 years' time it would be wonderful if there was no need for organisations like IWIRC because we had reached a stage where women in senior positions was the norm and both men and women felt supported in being able to balance family/life responsibilities without it negatively impacting on their career prospects. In the meantime, movements like IWIRC, MeToo etc are raising awareness of these issues. Now the awareness has been raised, the focus over the next few years needs to be on finding solutions and implementing them in the workplace and across the industry as a whole.