



John Wardell QC

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Clerks' Details

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Qualifications and Appointments

- LLB (Hons) Exon
- M. Phil (Cantab)
- 2009: Called (ad hoc) to the Bar of the Turks and Caicos Islands
- 2011: Called (ad hoc) to the Bar of Singapore
- 2013: Called (ad hoc) to the Bar of the | Cayman Islands
- 2014: Called to the bar of the British Virgin Islands

*“A fearsome
cross-
examiner
and a master
of court
craft”*

Legal 500, 2014

Memberships

- Chancery Bar Association
- Commercial Bar Association
- Professional Negligence Bar Association

Practice Overview

John is ranked as a 'leading silk' in Chancery Commercial in *Chambers Global* 2015, in Chancery Commercial, Civil Fraud, Commercial Dispute Resolution and Professional Negligence in *Chambers & Partners* 2015, and in Commercial Litigation, Company, Civil Fraud and Professional Negligence in *The Legal 500*, 2014.

Chambers & Partners, 2015 describe him as a standout professional with years of experience of handling complex commercial fraud cases. **"His advice has real clarity and strategic vision, and he always displays a strong tactical grip."** He is an **"outstanding advocate who is highly skilled at cross-examination. He is able to digest large volumes of information quickly and impresses clients with his commercial knowledge."** **"He has a great eye for detail, is incredibly numerate and user-friendly..."**

As well as applauding his strategic thinking and cross-examination skills, solicitors welcome his willingness to back his judgment. **"Very few counsel will stick their neck out, but he's one of them: he's prepared to commit and say what he thinks."** **"He gives bold advice and sticks to it. He is very calm, good on his feet, clever and has a nice touch with clients."**

John has an extremely broad and varied commercial litigation practice. Most of his cases are heard in the High Court although he also does international arbitration work and regularly appears in offshore jurisdictions (including BVI, Grand Cayman, Turks and Caicos, Singapore, Hong Kong and many European countries).

In the last five years, he has spent an increasing amount of time on complex fraud claims, many of which involve company law issues.

Many of John's commercial cases involve claims for breach of trust and breach of fiduciary duty.

John also undertakes professional negligence and indemnity work for both claimants and defendants. He has acted for and against a wide range of professionals, including solicitors, barristers, surveyors, financial advisers, accountants and actuaries.

John immerses himself in all aspects of his cases. He easily assumes the role of a leader prepared to back his own judgment, but is also a collaborative team player. John is an extremely good advocate, adept at modifying his tone and approach to the tribunal and at sensing how a Judge is seeing the case. He consistently impresses with thorough preparation and focussed and effective cross-examination. He is rock solid on the law, reliable on paperwork and is described by solicitors as a joy to work with. What most impresses is his unwavering commitment to his cases, and to his clients.



Professional Liability

John is recommended in *Chambers & Partners* and *The Legal 500* as a leading silk in the field of professional negligence. He acts for and against a wide range of professionals, including barristers, solicitors, surveyors, financial advisers, accountants, patent attorneys and actuaries.

Recent cases include:

- ***PB Limited v Watson Burton*** Acting for a leading silk and junior in the defence of a multi-million pound claim arising from the joint opinion that they gave as to the construction of an asset sale agreement.
- ***Dualglo v Bromhead Johnson*** Successfully defending a claim against a patent attorney who was sued for failing to advise that broad patent protection could not be obtained for a new glow-in-the-dark product called Dual Glo. It was claimed that this had resulted in very substantial losses sustained by the company and its backers. Amongst other matters the case involved complex issues concerning science and intellectual property law and procedure
- Acting successfully for a barrister who had been threatened with a multi-million pound claim arising out of the alleged failure to warn of the risks involved in extending the validity of a claim form [2013].
- ***Wilson & Go Plant Ltd v Grant Thornton UK LLP*** [2013] Acting on claims of negligence against Grant Thornton both in respect of its auditing of a UK company and its corporate finance advice on the acquisition of that company for over £16m.
- ***Ackerman v Hassans*** Acting on claims against Hassans and a trust company (which is owned by the partners of Hassans) for substantial compensation for professional negligence and breaches of trust arising out of the wrongful diversion of trust monies to a new trust structure set up by them for the claimant's brother in law.
- ***Langsam v. Beachcroft LLP*** [2011] EWHC 1451 (Ch; [2011] 3 Costs LO 380; [2012] EWCA 1230; [2013] 1 Costs LO 112) Acting on a lengthy trial and subsequent appeal on claims by the owner of Britannia Hotels against his former solicitors with regard to the advice they gave as to the value of his earlier claim against a firm of accountants and as to the merits of a settlement.

Commercial

John is recommended in *Chambers Global* as a leading silk in chancery commercial litigation, and has been consistently recommended in this field as well as for Civil Fraud by both *Chambers UK* and *The Legal 500*. He is also recommended for commercial dispute resolution by *Chambers UK*.

His commercial practice is very broad and embraces disputes involving companies, joint venture agreements and partnerships. Many of his cases have an international dimension and involve allegations of fraud.

Many of John's commercial cases involve claims for breach of trust and breach of fiduciary duty.

Recent cases include:

- ***Ackerman v Hassans*** [2014] Acting on claims against Hassans and a trust company (which is owned by the partners of Hassans) for substantial compensation for professional negligence and breaches of trust arising out of the wrongful diversion of trust monies to a new trust structure set up by them for the claimant's brother in law.
- ***Takhar v Gracefield Properties*** [2014] Acting on a claim seeking recovery from trustees of a portfolio of commercial properties which they have sought to develop for their own benefit.
- ***Zarbafi v Zarbafi*** [2014] Acting on a family dispute where properties and other assets have allegedly been utilised contrary to the terms of the trusts on which they were said to be held.



Commercial continued

- *Salford Capital Partners v Kenneth Krys* [2014] Acting on a claim against the liquidators of a limited partnership in the BVI concerning their failure to comply with the terms of the partnership agreement relating to the valuation of the partnership's assets (which are worth over US \$1bn).
- *R P Explorer Master Fund v Malhotra* [2014] Acting in the defence of a US \$70m claim for damages for conspiracy arising out of a scheme to build an oil refinery in India.
- *Excalibur Ventures LLC v Texas Keystone* [2014] Acting for one of the funders who advanced £13.5 million to support the disastrous claim brought by Excalibur against Texas Keystone.
- Acting for the Claimant in a \$60m claim arising out of the failure to honour the terms of a share sale agreement relating to the sale of shares in a company which was the ultimate owner of two Russian banks.
- *Matchtrack v Kirschel* [2013] Acting for the Claimant in respect of an unsuccessful joint venture agreement concerning a substantial commercial property in Central London.
- *Apex Global Management Limited v FiCall Limited and Others* [2013] Acting for the Defendants in relation to a multi-million pound shareholders' dispute between the shareholders of FiCall.
- *Logue v PGGL and the Candy Brothers* [2013] Acting for the Claimant in a claim for damages sustained as a result of a conspiracy whereby the Defendants sought to forfeit deposits that had been paid by the Claimant for an apartment at One Hyde Park, retain the increase in value on that apartment and share in any recovery made in proceedings brought against him in the United States.
- *Stone v National Westminster Bank* [2013] EWHC 208 Acting for the Defendant bank in successfully defending a £20 million claim arising out of a Ponzi scheme operated by one of the Bank's customers.
- *Algozaibi and Brothers Company v Saad Investments Company Limited* [2013] Acting for the Claimant in respect of a multi-billion claim arising out of a fraud perpetrated by Mr Al Sanea.
- *Fortress Value Recovery Fund LLC v Blue Skye Special Opportunities Fund LP* [2012] Acting for one of the Defendants accused of being involved in a complex fraud which involved the diversion of substantial assets in an investment portfolio to a new structure in breach of trust.
- *Tsang v Tsang* [2011] Acting for the former wife of a dollar billionaire, who was being sued by her ex father-in-law for fraud. After objecting to the High Court exercising jurisdiction, John successfully appeared for the wife in parallel proceedings in Singapore.
- *Jenington International v Assaubayev* [2010] Acting for the Defendants who were accused of masterminding a substantial fraud arising out of the sale of gold mines in Kazakhstan.

International Arbitration

An increasing part of John's commercial practise involves arbitration work. John has conducted arbitrations under the ICC, LCIA and UNCITRAL Rules in Geneva, London, Paris, Singapore, Vienna and Warsaw.

Recent cases include:

- Acting in an international arbitration in Warsaw arising out of a joint venture for the construction of the A4 motorway in Poland. At the heart of the defence is the allegation that the applicant was engaged in a wholesale attempt to cheat his clients by overcharging and claiming for costs that had nothing to do with the project [2014].



International Arbitration continued

- Acting in an international arbitration in Paris where the prospective claimant will be seeking multi-million pound compensation for breach of a joint venture relating to the provision of mining services for a bauxite mine in Saudi Arabia [2014].
- Acting for the applicant in an international arbitration in Vienna who successfully sought substantial compensation for breach of a share purchase agreement relating to the acquisition of a controlling interest in a steel plant in Macedonia [2012].
- Acting for the former head of an investment bank who was seeking approximately £30m by way of reasonable remuneration for his services [2012].
- Acting for an oil company seeking to recover substantial compensation for the fraudulent supply of cargoes of adulterated oil to Romania [2010].