



Max Mallin

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“A superb cross-examiner”

Chambers & Partners, 2015

Practice Overview

Max is a very well respected commercial litigator whose experience covers commercial and business disputes of all kinds. Recommended in Chambers & Partners and Legal 500 as *“exceptional”* and *“a star”* who *“ticks all the boxes”*, his practice covers contractual claims, financial markets disputes, civil fraud, claims involving breaches of directors' duties and shareholder disputes as well as professional negligence, insolvency and partnership actions. He is frequently instructed in arbitrations and in relation to claims to enforce arbitration awards. His cases often involve cross-border elements and include jurisdiction and conflicts of laws issues.

He has a particular reputation for disputes involving financial markets where clients value his *“tremendous head for figures”* and the fact that he is *“brilliant at cutting through jargon”*. His expertise in this area is enhanced by the fact that, prior to coming to the Bar, he spent a number of years working in international investment banking in the City, undertaking his initial training on Wall Street. He worked in international capital markets first as a trader and eventually as head of international bond trading in London. His work included trading and structuring various forms of derivative instruments.

Max is recommended by the legal directories for commercial litigation, civil fraud and company law. They refer to the fact that he is an *“excellent advocate”* as well as *“very commercial, very approachable and very user-friendly”*; someone who is *“always on his A game”*.



Banking & Finance

Max's background in the financial markets ensures that he gives clients a competitive edge in dealing with complicated disputes involving banks, financial institutions and complex financial instruments. He has wide experience in cases involving improper trading on financial and commodities markets such as front-running, market manipulation and mispricing. In recent years he has acted for many clients in disputes arising out of interest rate swaps, credit default swaps, financial spread-betting and other derivative instruments. Max also acts frequently in claims based on negligent investment advice and negligent advice in relation to tax avoidance schemes such as film finance schemes and EBTs. Chambers UK refers to the fact that "he is fluent in investment banking cases" and both Chambers UK and The Legal 500 praise his considerable ability to deal effectively with both clients and the court.

Some of his ongoing and recent cases include:

- Max is advising in relation to a potential group action for breach of duty in relation to the FCA's swaps redress scheme.
- Over the past few years Max has advised and acted for a large number of companies and individuals with claims against the banks arising out of swap transactions.
- *ACS Scout v Ebulio & Anor*. Max acts for the Claimant in this very substantial claim in the Commercial Court for damages/equitable compensation arising of tin trading on the LME carried out by the Defendants on the Claimant's behalf. The case will come to trial in 2017.
- Max acts for creditors of a failed investment bank in their claims to recover their investments.
- *Dexia v Comune di Forli*: Max acts for the Defendant (an Italian local authority) in this multi-million dollar interest rate swap dispute. Max has been and is still involved in a number of other such claims.
- *Cambridge Commodities Limited v Proedge*. Max acted for the Claimant in this very substantial claim for damages for negligent investment advice in relation to and EBT and EFRBs. The case settled in early 2016.
- *Re Lion Capital Management Limited*. Max acted for the Defendant in this claim for negligent investment advice in relation to a very large Credit Default Obligation.