



## Andrew Mold QC

Call: 2003

QC: 2020

amold@wilberforce.co.uk

*“He is very sensitive to the individual client needs and is outstanding to work with.”*

The Legal 500 2021.

## Memberships

- Chancery Bar Association
- COMBAR
- Association of Pension Lawyers
- ACTAPS
- Bar Pro Bono Panel

## Publications

- [How to side-step valid trust and corporate structures](#) (2014) *Trusts & Trustees* 20 (9):891-929
- Author of the negligence section of *Cordery on Solicitors*

## Practice Overview

Andrew's practice covers commercial and traditional chancery work. Within these fields, he has particularly strong interests in trusts, pensions, fraud and breach of fiduciary duties, professional liability, company and partnership disputes. He is also often brought into to assist with cases involving other areas of the law most notably family, insolvency and regulatory proceedings.

Andrew enjoys both the advisory and advocacy sides of his practice and is experienced in the main forms of alternative dispute resolution.

In recent times, Andrew has gained significant experience of working on so-called 'big money' divorce cases involving the treatment of trust assets. He has also been instructed in many of the recent leading pension cases especially those considering the use of The Pensions Regulator's powers.

Many of Andrew's cases involve an international element, particularly in the context of trust disputes or fraud cases, and he has been admitted to the Bar of the Cayman Islands where he has appeared as an advocate. In the past few years, Andrew has been engaged on matters concerning proceedings in Jersey, the Isle of Man, Cyprus, Switzerland, Singapore, Bermuda, Nevis, the British Virgin Islands, several states of the USA and the Cayman Islands.

Chambers & Partners 2021 describes him as having *"amazing judgement"* and *"a brilliant nose for what's going to happen"*. He is *"exceptionally able"*, *"disarmingly clever"*, *"very, very good with clients and an excellent communicator"*, and *"very practical and commercial"*. The Legal 500 2021 notes he is *"a godsend"*, a *"polished advocate"*, *"superb - combines a formidable intellect with commercial acumen, and is genuinely a pleasure to work with"*. *"Not only is he phenomenally technically able but he is incredibly strategic."*

A well-liked barrister who is effective in fraud and breach of fiduciary duty cases. He is admired for the quality of his advice and advocacy and often appears unled in significant cases.

Andrew adroitly handles a diverse range of traditional and commercial chancery matters, demonstrating considerable strength in cases concerning trusts, professional liability and company law. *"He's excellent with clients, excellent to work with and a talented guy."* He is also known for his expertise with regard to the treatment of trust assets in high-value divorce cases.

## Clerks' Details

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## Qualifications and Appointments

- First Class honours degree in Law, St John's College, Cambridge
- Clifford Chance David Gottlieb Prize for obtaining the highest law examination results in the year at the University of Cambridge
- Jacovides Prize for international law
- College and university awards for gaining a first in each year of undergraduate degree
- LLM from Harvard Law School
- Mansfield Scholarship from Lincoln's Inn
- Lincoln's Inn Entrance Award
- Registered advocate before DIFC Courts



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## Commercial

Andrew has extensive experience of business and commercial litigation before a wide variety of courts and tribunals. His cases often involve allegations of fraud or breach of fiduciary duties and asset tracing. He is also regularly instructed in relation to company and partnership disputes, claims against directors or amongst shareholders as well as claims relating to investment vehicles.

Recent notable matters that Andrew has worked on include the following:

- *Takhar v Gracefield Developments Ltd.* Andrew appeared for the successful appellant before the Supreme Court in *Takhar* which is the leading case on the test for setting aside judgments on the grounds of fraud. The Supreme Court decided that a litigant who seeks to set aside a judgment obtained by fraud does not need to show that he or she could not have discovered the fraud by reasonable diligence.
- *Re Torchlight Fund.* Andrew was instructed by the general partner of a Cayman Islands investment fund to defend a petition to wind up the fund on the just and equitable basis. The litigation involved one of the longest trials in the Cayman Islands in recent times and McMillan J delivered a judgment running to almost 400 pages.
- *Rolle v Rolle.* This was a case before the Privy Council on appeal from the Bahamas which raised the tricky legal issues of the validity of pre-incorporation contracts and the doctrine of escrow.
- Acting in proceedings against a number of high-profile parties in relation to a wide-ranging dispute involving claims for breach of confidence, unlawful means conspiracy, breach of contract and abuse of process.
- *Ackerman v Ackerman & Thornhill.* Substantial proceedings brought to set aside the provisional report of an expert who determined the division of a large property empire between two sides of a family. The challenge was made on the grounds of bias, collusion and material departure from instructions.
- *Merchantbridge & Co v Safron General Partner 1.* This case concerned proceedings brought by an investment adviser against the fund manager of a Cayman Islands-based hedge fund for breach of an investment advisory agreement. A third-party costs order was also obtained against the shareholders of the fund manager who were financing its defence.
- *Harley Street Capital v Tchigirinski and others.* High Court litigation centring around an Anglo-Russian energy company involving claims of fraud, the rights of minority shareholders, derivative proceedings, service out, freezing injunctions and breach of fiduciary duties.
- *Hammonds v Danilunas and others.* Acting for a former partner in a dispute with the law firm Hammonds over the repayment of alleged over-drawings on account of partnership profits which did not materialise.
- *Sagicor (Cayman) Ltd v Hurlstone and others.* Proceedings before the Grand Court of the Cayman Islands in which claims of insurance fraud arising out of Hurricane Ivan were successfully defended. Further proceedings for an account of damages suffered as a result of a freezing injunction which had been in place for three years and for abuse of process followed the main action.
- *Reeves v Sprecher.* Acting for one partner in a dispute over the ownership of a successful hedge fund business. Parallel proceedings were launched in England and St Kitts & Nevis involving allegations of breach of fiduciary duty, fraudulent misrepresentation and the unfair redemption of shares.
- *Demco Investment and Commercial SA v S-E Banken Forsakring Holding Aktiebolag.* Large scale arbitration under the Stockholm Chamber of Commerce relating to pensions mis-selling, the conduct of the Pensions Review and indemnities under a sale and purchase agreement.
- Confidential proceedings in the Queen's Bench Division to obtain an urgent injunction preventing a licensor from repudiating a worldwide licence agreement for the manufacture of clothing. Simultaneous proceedings were ongoing in Delaware and Illinois.