



Max Mallin QC

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“He gives the court the route-map it wants and needs to get to the heart of a matter, and the court loves him for it. He’s strong but empathetic with clients.”

Chambers and Partners 2020

Practice Overview

Max has a broad litigation commercial practice encompassing commercial litigation, arbitration, banking and finance, commercial fraud, company law (particularly shareholder disputes), IT disputes and professional liability. Max has been recommended in Chambers & Partners and the Legal 500 guides for many years for Chancery Commercial, Civil Fraud, Company and Commercial Litigation.

Recognised as a **"tough opponent"** and a **"superb cross-examiner"** in Chambers & Partners, Max is highly valued by his clients as an extremely effective trial advocate.

Prior to coming to the Bar, Max had a successful career as an investment banker and trader which gives him a first-hand understanding of financial markets and products (including complex derivative instruments). This background has proved invaluable in the financial markets and related disputes for which Max is regularly instructed. A facility with numbers (Max has been described as having a **"tremendous head for figures"** and as being **"a very numerate lawyer, who is better with numbers than pretty much any other barrister out there"**). He has real understanding of finance (**"He has a huge amount of financial services knowledge..."**) and has also proved of great benefit in other areas of his practice (e.g. claims for loss of profits and share valuation issues) and gives him a great advantage when cross-examining expert accountants in such cases areas.

Recent directories' quotes include:

"He has a huge amount of financial services knowledge and really gets into the numbers." (Chambers & Partners, 2020)

"Good with clients, clear in his advice, excellent in cross and with judges." (The Legal 500, 2020)

"He gives the court the route-map it wants and needs to get to the heart of a matter, and the court loves him for it. He's strong but empathetic with clients." (Chambers & Partners, 2020)

"He's extremely approachable, user-friendly and always sees the bigger picture." (Chambers & Partners, 2020)

"A very numerate lawyer, who is better with numbers than pretty much any other barrister out there." "Max is incredibly bright and very, very well prepared for cross-examination. He is not afraid of being very robust in terms of tactics and strategy." (Chambers & Partners, 2019)



Practice Overview continued

"Commercial, sensible, approachable and user-friendly. He always sees the bigger picture and he is very popular with clients. He is brilliant on his feet." (Chambers & Partners, 2019)

"That rare beast of being all things: advocate, legal analyst, commercial resolver and understands figures." (The Legal 500, 2019)

"Very commercial, user friendly for solicitors and loved by clients." "A brilliant advocate; his advice is clear and straightforward." (The Legal 500, 2019)

Previous editions describe Max as *"brilliant", "very intelligent"* and *"exceptional. I would go to him if I was in trouble."* He is *"approachable and client-focused, he is ferociously intelligent". "He is smart, has an uncanny financial acumen and is a delight to work with."* Max is also described as *"extremely focused and business-minded. He's an ideal barrister because he is very sensible, intelligent, excellent at cross-examination and very good with clients. He has it down to an art."* He is also *"a tactical whiz. His skills in the courtroom are a wonder to behold". "His ability to see the kernel of an issue is second to none."*

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, EBTs and EFRBs.

Chambers & Partners refers to the fact that *"he is fluent in investment banking cases"*, the 2019 edition describing him as *"a very numerate lawyer, who is better with numbers than pretty much any other barrister out there"*. Both Chambers & Partners 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:

- *BGC Brokers LP & Ors v Tradition (UK) Limited/Martin Brokers Group Limited v Bell & Ors*. Max acts for the Claimants in these related actions which are now being jointly case-managed and are set down for an 11-day trial in December 2019. Both claims arise out of disputes between inter-dealer brokers in the City. The BGC claim is for injunctive relief and damages for breach of confidence. In October 2017, Max obtained an urgent without notice injunction to prohibit use of BGC's confidential information and preserve evidence. The relief obtained included an "imaging order". The Martin Brokers claim is for damages and other relief arising out of a "team move" of a number of brokers from Martin Brokers to Tradition.
- Max is currently acting for a client seeking very substantial damages against one of the high street banks for its role in a fraudulent scheme to pressure the client into selling his shares in a large private company owned and controlled by him at an undervalue.
- 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 tax avoidance schemes and swap transactions.
- *ACS Scout v Ebullo & Anor, AC Scout v Ebullo & Ors* (Commercial Court). Max acted for the Claimant in this large claim for damages for conspiracy to injure arising out of wrongful trading in Tin futures on the London Metal Exchange.
- Max acts for creditors of a failed investment bank in their claims to recover their investments.



Banking & Finance continued

- *Dexia v Comune di Forli*. Max acted 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. Max has been and is still involved in a number of other such claims.