



## Max Mallin QC

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## Clerks' Details

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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 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..."*). This 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.

### 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)



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## 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."*

## Civil Fraud

Max is a *"well regarded"* civil fraud practitioner whose financial background makes him an ideal choice for complicated asset tracing claims. He is recommended by both Chambers & Partners and The Legal 500 who refer to the fact that he has a *"very quick mind"* and is *"a brilliant advocate; his advice is clear and straightforward"*.

Some of his recent work includes:

- *Zoo International v Dreamsport & Ors.* Max acts for the Defendants in two related actions that are being case-managed together. The Claimant claims payment as assignee of numerous invoices arising out of the supply of sportswear. It also seeks registration of Dreamsport's register of members to register its alleged shareholding in Dreamsport. The various defences raised by the Defendants include allegations of fraudulent misrepresentation.
- *The Kings litigation.* Max has acted for the corporate parties in this complex, on-going litigation involving numerous related actions, including a claim in fraud/breach of fiduciary duty, an order for sale of shares and a section 994 petition.
- Max recently acted for a client seeking very substantial damages against one of the high street banks and other parties for their participation 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 recently advised an individual claiming compensation from his bank for money fraudulently misappropriated from the client's online bank account in respect of his claim against.
- *Brainbox Digital Limited v Backbord Media & Ors.* Max acted for the Claimant in this claim for damages for breach of contract and/or restitution arising out of a contract between the Claimant and the Defendants for the supply to the Claimant of specified digital services. It was the Claimant's case that the Defendants had obtained payment under the contract by fraud. Max applied for and obtained a without notice freezing and proprietary injunction. Permission to enforce these orders out of the jurisdiction was obtained and there was further interlocutory skirmishing (including an application for security for costs and to fortify the Claimant's cross-undertaking in damages).
- *Eminent Energy v Daxin Baltic.* Max acted for the Claimant in this Commercial Court claim for damages and declarations arising out of the supply of Naphtha to the Claimant by the Defendant. The Defendant alleged fraud and conspiracy. Max obtained an urgent without notice injunction to prevent the Defendant from disposing of a quantity of Naphtha held at a storage facility in Latvia.



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## Civil Fraud continued

- *Nextam v Mughal*. Max acted for the Claimant in his claim for breach of fiduciary duty/fraud against a former director. Max obtained a number of urgent interlocutory orders (including freezing and disclosure orders) before obtaining judgment for about £2 million. Max also represented the Claimant in its application to commit the Defendant to prison for contempt of Court. Following a 4 day hearing, Whipple J committed the Defendant to prison.
- In the matter of *African Safari Club Limited (in liquidation)*. Max acted for the liquidators in this claim against ex-directors for fraud/breach of fiduciary duty and compensation under sections 212 and 214 of the Insolvency Act 1986.
- *ICF v Mistry*. Max acted for the Claimant in this claim for damages/equitable compensation against an ex-director of the claimant company. Max obtained a freezing injunction on very short notice in March 2016.
- *African Land Ltd v Haddow & others*. Max acted for the Claimant in this high value action for fraud and breach of contract in relation to investment in plots of land in Sierra Leone. Max obtained a number of interlocutory orders on behalf of the Claimant including freezing injunction prior to the settlement of the case.