



Michael Furness QC

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Clerks Details

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Qualifications and Appointments

- First Class degree in Law from Cambridge
- Bachelor of Civil Law from Oxford

Memberships

- Association of Pension Lawyers
- Chancery Bar Association
- Revenue Bar Association

“One of the finest technical lawyers and highly respected by judges and opponents alike.”

The Legal 500, 2020

Practice Overview

Michael's practice has three main strands:

- Contentious trusts and estates litigation
- Advice and litigation concerning occupational pension schemes
- Tax litigation

He also undertakes professional liability litigation in areas related to the three main areas of his practice.

Michael has wide litigation experience, at all levels and in a variety of jurisdictions.

In this jurisdiction he has appeared several times in the House of Lords and in the Supreme Court (in the revenue case of *DCC Ltd v HMRC*). His appearances in the House of Lords include the leading tax cases of *Ingram*, *McNiven v Westmoreland Investments and Arctic Systems*, and the important pensions case of *National Grid v Mayes*.

Overseas, he has a substantial contentious and non-contentious trust practice mainly in Hong Kong (including three appearances in the Court of Final Appeal) and Bermuda.

The recent 2020 edition of Chambers & Partners describes Michael as *"decisive and authoritative. It is very reassuring to have him in your corner". "He's technically superb and has a panoramic vision of trusts and charities law which enables him to find innovative solutions."* He is *"pragmatic, robust, clear and authoritative"* as well as *"focused, driven, highly intelligent and wears his learning lightly"*. *"He is personable and responsive, happy to muck in and get stuff done. He's also very thorough, and has an encyclopedic knowledge of trust law."*

The Legal 500 2020 edition of describes him as *"hugely experienced with an encyclopaedic knowledge of pensions law"* along with an *"exceptional knowledge in the specialist area of contentious trusts"*. He is *"one of the finest technical lawyers and highly respected by judges and opponents alike"*.

Michael handles trusts and estates, pensions and tax litigation to a very high standard. He regularly appears in offshore jurisdictions. Michael is said to be *"very good at knotty, intellectually demanding trust matters. The more complex it is, the more likely he will be the only person who can deal with it in a reasonable and effective manner"*. He *"has a very nice manner with both the client and the court and possesses impressive gravitas"*.

He is an experienced litigator, who has a strong focus on work relating to both onshore and offshore trusts and estates and is well equipped to deal with matters concerning clients from overseas. *"Very experienced, excellent on paper and a strong advocate. He has real gravitas."* Chambers & Partners, 2019



Professional Liability

A substantial part of Michael's practice involves professional liability litigation, mainly in the areas of occupational pension schemes and tax, making and defending claims against accountants, lawyers, actuaries, tax advisers and benefit consultants.

Recent UK cases include:

- Advising on the advice which should have been given in a film-based tax avoidance scheme in the early 1990s.
- Advising in connection with a claim for professional negligence arising out of the conduct of pension scheme litigation.
- Advising on the advice which should have been given in relation to a "Courage proviso" in the 1990s
- Appearing for the successful appellant in *Barker v Baxendale Walker (CA)* [2017] – an important case on the duty to warn on risk.
- Representing a firm of actuaries accused of giving negligent advice regarding sex equalisation in a pension scheme.
- Representing a firm of solicitors sued for failing to advise pension scheme trustees of the unlawfulness of their investment strategy.
- Representing a pension scheme trustee suing a previous trustee for damages arising out of negligent scheme administration.