



## Alex Hall Taylor

### Education

B.A. (Bristol) Dip. Law

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### Languages

Conversational French

## Profile



*"Notable for having a very relaxed demeanour, that masks a ferocious intellect"*, Alex is a strong, modern, commercial litigator known for leading and working well in large teams of litigators. He is recognised for providing clear advice and calm tactical guidance, and for setting and delivering strategic goals. Alex prides himself in developing strong working relationships and in quickly gaining the confidence of those instructing and working with him, including those from other jurisdictions.

The breadth and strength of Alex's practice and expertise is reflected in his ranking by Chambers & Partners and the Legal 500 in 2014 as a leading junior across four significant areas of work:

Banking & Finance (Legal 500)

Chancery Commercial (C&P, where his handling of offshore trust disputes is specifically mentioned)

Civil Fraud (C&P)

Professional Negligence (both Legal 500 and C&P).

Alex is the only member of chambers ranked for Chancery Commercial work and for Civil Fraud work. He is our only practising junior barrister ranked for Banking & Finance work. He is our only senior junior ranked in four separate areas of work.

The current editions of the directories quote clients, opponents and leaders saying about Alex:

*"Able to see the wood for the trees; he can get to a solution and put it in a way that is easily digestible for the client."*

*"A firm and doughty type. Wonderfully hard-working."*

*"He's excellent. Client-friendly and hard-working, he's also fun, which is important."*

*"He has a wonderful, elegant style of advocacy and a calmness under pressure."*

*"He is really thoughtful, excellent on paper and very hard-working."*

Alex has been ranked by the directories as a leading junior for many years. According to past editions of the two directories, Alex is also appreciated for being *"able to quickly assimilate large and complex matters and has an excellent manner in front of clients"*. He is also a *"great team player"*, *"a very talented intellect"* who does *"sterling work"*, is *"very client friendly"*, *"responsive"*, *"excellent to deal with on a day to day basis"*, and has a *"user friendly attitude in cases"*.

Much of Alex's work is financial in nature, involving banking, financial products, pensions, tax and trusts disputes both

on and offshore. A number of recent cases have involved disputes within IFA networks and due to consolidation within the financial services market.

Alex also practises across a wide range of professional liability work acting to bring and defend claims against solicitors, barristers, accountants, valuers, insurance brokers, tax advisers, pensions advisers, independent financial advisers and other financial services professionals. In 2012-13 he was instructed in the case identified by the Lawyer as the “largest professional negligence” case of the year, *Langstone Leisure v Pannone LLP*. In 2012 he achieved the summary dismissal of a US\$50m claim against KPMG in the Commercial Court. He is presently defending a claim relating to the management of Standard Life’s portfolio of shopping centres, and pursuing a claim for Barclays relating to the valuation of the Von Essen hotel group.

Alex benefits from having trained and spent his early years in practice in renowned chancery commercial chambers. He therefore also has broad experience of company, partnership, insolvency, pensions, and property disputes. He takes and defends claims against fiduciaries or those acting for or advising them, particularly professional company directors, trust administrators, and trustees. These actions are frequently conducted in offshore jurisdictions. Related insurance claims are a further area of expertise, Alex having acted for Excess Insurers in the recent Commercial Court dispute brought by Rathbones and Mr Egerton-Vernon, in relation to the cover available to him when acting in his capacity as a personal trustee of the Walker trusts in Jersey.

Alex’s particular expertise is in handling complex, multi-party, document heavy litigation in which he frequently leads more junior counsel. A significant proportion of his cases involve advancing or defending allegations of civil fraud. He is regularly instructed at short notice to seek, resist or discharge urgent injunctive and other pre-emptive relief, including freezing injunctions, search orders, *Norwich Pharmacal* and *Bankers Trust* orders. In one year alone he had more than 20 such applications ranging across numerous jurisdictions.

Alex’s practice has a distinctly international flavour, having acted in disputes from Africa to Fiji, from St Lucia and the Cayman Islands to the Channel Islands, and from the BVI to Mauritius. He has acted as sole counsel in appeals to the Privy Council from the Eastern Caribbean Supreme Court. He frequently travels abroad to meet clients, to appear in court, or to support local counsel. Born in Sweden and spending part of his childhood in Singapore and then Malaysia, he is comfortable in an unfamiliar environment and enjoys travel and working with clients and lawyers in different jurisdictions.

Alex is a member of COMBAR, the Chancery Bar Association, the Professional Negligence Bar Association, the London Common Law & Commercial Bar Association and the South Eastern Circuit. He undertakes work for the Bar Pro Bono Unit in London. He is in the process of being called to the Bar of the Eastern Caribbean Supreme Court (BVI), and registering as an advocate in the courts of the Dubai International Financial Centre.

#### **Publications**

Alex wrote the “Property, Planning and Environment” chapter of Leigh-Ann Mulcahy’s *Human Rights and Civil Practice* (Sweet and Maxwell, London 2001)

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## **Professional Liability**

Alex has an extensive professional liability practice with a financial, commercial and chancery specialist focus. His work in this field is therefore principally engaged in the conduct of solicitors, barristers, accountants/auditors, financial services professionals and surveyors/valuers. He does not undertake work relating to personal injury or family claims, clinical practitioners or construction professionals. He acts for both claimants and defendants.

Alex’s chancery background means that he is comfortable with professional liability claims arising from complex financial instruments and arrangements, trusts, tax schemes, pensions, insolvency and all kinds of property transactions. Much of his work involves allegedly negligent tax planning, pensions, investment advice and schemes with an offshore element. He is frequently asked to undertake claims and applications in mitigation of apparent losses, including seeking the rectification, variation or rescission of trust and other arrangements.

Alex sees a considerable number of new cases each year involving alleged negligence by solicitors in property and mortgage related transactions.

Alex is also always instructed in numerous lost litigation claims where careful consideration has to be given to what should reasonably and realistically have been achieved by competent solicitors and barristers.

Both Chambers & Partners and the Legal 500 have recognised Alex as a leading junior in the field of professional liability. Amongst other praise, he has been referred to as “a very talented intellect” who does “sterling work”.

## Accountants, Auditors & Actuaries

Alex's understanding of accounts, international auditing standards and general audit methodology has been welcomed and praised by his Big Four clientele, who have instructed him (frequently directly under the DPA scheme) to act in numerous claims in England and around the world (often assisting local counsel and judiciary unfamiliar with professional liability claims and audit approach).

Recent experience includes:

- obtaining the summary dismissal of a <\$52million Commercial court claim against accountants by third party lender investors, on the basis that no duty of care was owed and that as measurable damage first occurred upon the transactions referable to the loans rather than the later recognition of it, applying *Sephton, Nykredit* and *Axa*, the claim was statute barred. *Arrowhead Capital Finance Ltd (in liquidation) v KPMG LLP* [click here](#) for judgement.
- defending auditors of a collapsed bank against a claim brought by 33,000 depositors.
- defending the investment, financial advisory, and tax planning arm of an accountant's firm in numerous claims relating to promoted (failed) schemes.
- assisting in the defence of Mauritius-based auditors of a fraudulent spot Forex trading entity operating through South Africa and Denmark.

## Financial Services Professionals

Alex conducts and defends claims against financial institutions and financial professionals involving allegedly negligent advice or conduct, principally in connection with investment, pension and tax schemes both on and offshore. He has had to consider and advise on the different financial regulatory systems of England, Jersey, the BVI, and Kenya.

Recent work in this field includes:

- considerable advisory work and claims in relation to the operation and promotion of tax mitigation or deferment schemes
- the pursuit of claims against 54 IFAs in connection with advice on a pensions liberation scheme (involving £20million+)
- defending bank employees in connection with claims of the promotion and misrepresentation of an investment scheme
- defending an offshore trust administration entity in relation to a multi-million pound film finance scheme said to operate as a collective investment scheme

## Lawyers

Alex's considerable experience of lawyers' liability work is very diverse, reflecting the broad range of work undertaken by both solicitors and barristers (although Alex tends to avoid personal injury, criminal, family, immigration or employment related work). Alex's cases tend to have a chancery or commercial aspect, and involve transactional work, general advice, or the conduct of litigation. He also undertakes wasted costs work in relation to both solicitors and barristers.

Examples of recent, ongoing and reported cases include:

- a "lost litigation" claim relating to conduct of the trial of a dispute over a joint venture to exploit car parking operations in central London
- defending more than 400 claims by lenders and borrowers against a firm of solicitors arising from the collapse of the notorious Morris Property Group buy-to-let scheme (principally concerning alleged lack of disclosure of "gifted deposits")
- actions involving the conduct of solicitors in their capacity as professional trustees or executors (for example a professional trustee pursued for the allegedly dishonest administration of a family settlement and business over a more than 20 year period, or an alleged failure to seek to vary or properly to conduct the administration of an estate and family settlements: *Jemma Trust Co Ltd. v Kippax Beaumont Lewis* [2004] EWHC 1404 (Ch) and [2005] EWCA Civ 248)
- advice, on instruction from the Canterbury Diocese, about former advice regarding the sale of church school sites
- a claim relating to the release of title to an oil rig
- an action for the recovery of costs incurred in the defence of an individual solicitor and employer firm to a negligence claim where the judge's findings established dishonesty on the part of the individual solicitor
- a claim against a former partner of a solicitors' firm who misused millions of pounds of client funds in a circular *Ponzi* type fraud (and other actions to restore misappropriated client account monies)
- claims regarding the provision of private funding to developers, and the failure to ensure adequate security and insurance was in place
- numerous claims arising from inadequate advice or negligent conduct in connection with conveyancing transactions (acting for either purchaser or lender or both)

## Surveyors & Valuers

Alex acts for both claimants and defendants in claims against surveyors and valuers, frequently as part of broader litigation also involving the alleged negligence of solicitors (for example in general lender litigation and claims involving mortgage fraud).

Alex's recent experience includes:

- the pursuit of claims against surveyors involved in the collapse of the Morris Property Group buy-to-let scheme
- defending an international surveyor/managing agents firm regarding the implementation of total facility support services agreements and in connection with service charge disputes across a nationwide portfolio of shopping centres
- a claim concerning an alleged failure to advise adequately as to the development potential and consequent value of a sizeable commercial suburban site
- claims involving portfolio valuations

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## International Arbitration

Alex has dealt with a number of UK and international arbitrations, relating to insurance and other commercial disputes. He will happily work and participate in arbitrations abroad if required. Recent arbitrations have involved coverage issues between insured and insurers, policy construction disputes, and a commercial arbitration involving financial instruments. In *Shuttari v The Solicitors' Indemnity Fund* [2007] EWCA Civ 244 Alex appeared before the Court of Appeal, defeating an argument that the policy's arbitration provisions were void or inoperative on the basis that as membership of SIF was compulsory the policy terms were not freely entered into and therefore infringed ECHR Article 6 rights.

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## Chancery

As one of our lateral recruits from specialist chancery commercial chambers, Alex spent his early years in practice immersed in all areas of chancery work from company and insolvency work, to partnership disputes, landlord and tenant, real property, pensions, wills, trusts and the administration of estates. He developed and maintains a particular expertise in mortgage, guarantee and other domestic banking work, receiving instructions from most UK lending institutions.

This broad chancery background has since informed the development of Alex's ongoing core practice, including his professional liability work which tends towards a chancery specialism.

Much of Alex's work involves trusts, both domestic and offshore, and the actions of trustees and trust administration companies.

Alex deals with company, insolvency, joint venture, shareholder, director and partnership disputes of varying magnitude and subject matter from vacuum cleaners through to car parks and adult satellite television channels.

Alex also undertakes cases relating to real property, property development and landlord & tenant disputes (both commercial and residential) including the pursuit of leasehold enfranchisement.

Alex has particular expertise in seeking to vary or set aside trust and other arrangements.

Recent work and reported cases include:

- Defending a trustee in a multi-million pound claim relating to the allegedly dishonest administration of a family settlement over more than twenty years.
- Setting aside a primary residence settlement entered into under incorrect tax planning advice.
- Seeking to rectify trust settlements with unintended tax consequences (e.g. *Re Strain (deceased) Allnutt & Anor v Wilding & Ors* [2006] All ER (D) 375 (July); [2007] All ER (D) 41 (Apr)).
- Litigating over the long-term development potential of agricultural land surrounding Milton Keynes and the value of related options agreements.
- Defending an offshore trust administration company's services in a multi-party action connected with a film finance scheme.
- A dispute over the actions of a BVI-based company administration service in reliance upon a power of attorney.
- Defending three multi-national banks in multi-party litigation relating to offshore trust services supplied in a UK pension liberation scheme (*The Stax Litigation* [2007] EWHC 143 (Ch), [2007] EWHC 1153 (Ch), and [2007] All ER (D) 215).
- A director/shareholder dispute over the ownership and conduct of the business of a satellite television production company.

- Acting *pro bono* before the Court of Appeal in a shareholder and intellectual property dispute relating to proprietary technology in market-leading vacuum cleaners (*Phillips v Phillips* [2009] EWCA (Civ) 185).
- A joint venture dispute over the exploitation of car parking sites in central London.
- Cases regarding the determination of the extent of the land to be transferred on leasehold enfranchisement (e.g. *Shordean Place (Eastbourne) Residents Association Ltd. v. Lynari Properties Ltd* [2003] 3 E.G.L.R. 147).
- Claims involving setting aside dispositions of property for undue influence (*Yorkshire Bank plc v. Tinsley* [2004] 3 All ER 463) and illegality (*Sutton v Mishcon de Reya* [2004] 1 FLR 837).
- Actions concerning property damage and economic loss consequent upon crop spraying and/or dangerous substance use on neighbouring land (including several actions in the litigation resulting from the *Buncefield* explosion).
- Actions regarding the enforcement of security and personal and corporate guarantees.

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## Commercial Dispute Resolution

Alex has a strong commercial practice with particular emphasis on substantial, document-heavy group litigation, financial disputes and the issues and claims arising from corporate mismanagement and collapse. His practice now involves a good mixture of being instructed as sole counsel, leading a team or working with a leader.

Alex acts and advises in all forms of commercial dispute from contractual claims to fall-outs between directors, shareholders or partners. He frequently acts in civil fraud and tracing claims, often with an international element. He has extensive experience of pre-emptive and tracing remedies (both within the UK and abroad) such as freezing injunctions, pre-action disclosure orders, search orders, and applications for and against banking institutions to reveal customer identity and asset information.

Alex will happily work outside the UK if required. His work to date has taken him to Kenya, Mauritius, Canada, the BVI, the Cayman Islands and St Lucia. He has conducted appeals to the Privy Council as sole advocate.

Alex regularly actively participates in alternative methods of dispute resolution, and adds value through results based advisory input and his recognition of the need to adopt a different advocacy style in mediation.

Recent and reported commercial cases include:

- Representing Barclays Bank and the Bank of Nova Scotia in a group claim worth in excess of £20million relating to a failed UK pension liberation scheme and offshore trust and administration services (the *Stax* litigation).
- The pursuit for Santander of more than a dozen interim applications for freezing and disclosure orders in the recovery of more than £2.5million stolen in a series of connected mortgage frauds.
- Assisting local counsel in Mauritius in a \$50million dispute arising from the collapse of a spot Forex trading operation in South Africa and Denmark.
- Appearing before the Privy Council in an appeal from the Eastern Caribbean Supreme Court relating to sums owed under a construction contract and the entitlement to interest (*Maurice v Leriche* [2008] All ER (D) 264 (Jan)) and concerning issue estoppels/*res judicata* (*Prosper v Prosper* (2007) 69 WIR 278).
- Representing Cambridge City Football Club in its successful counterclaim (and subsequent appeal) against former directors for breach of fiduciary duty, misrepresentation and fraud in the sale of the club's ground (*Ross River Ltd v. Cambridge City Football Club Ltd* [2008] 1 All ER 1004).
- Representing the proprietor director of an Iveco truck dealership in a London Mercantile Court dispute over his personal guarantee following the dealership's entry into administration.
- A claim concerning the attempt to secure the grant of a UK general sales agency for a national airline by the attempted bribe of a government official.

Reference should also be made to Alex's Chancery profile, particularly in relation to corporate governance and trust related disputes.

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## Financial Services Regulation

Alex has experience in advising as to the effect of the financial services regulatory framework, and conducts litigation in relation to the conduct of financial institutions and financial services professionals, including those involved in the selling and administration of mortgages, pensions, and other financial products.

Recent work involving financial services regulation has included:

- examining the conduct of banks and IFAs in promoting offshore pension products
  - the regulation and mis-selling of offshore bonds
  - the inter-relationship between English and Jersey financial services regulation
  - examining failures to achieve equalisation of pension retirement ages
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## Insurance & Reinsurance

Alex's work in insurance largely concerns professional liability, BTE and ATE insurance although general experience arising from those fields (and through insurer-backed litigation) has also caused him to work in the wider insurance sphere. He is frequently instructed by insurers and therefore accustomed to the complex balance of competing interests that may arise between insurers and their insured.

Alex has considerable experience of coverage and policy construction disputes, and his recent work in this field includes:

- advising on aggregation of claims
  - advising on declinature of cover
  - policy construction and coverage declinature arbitrations
  - dishonesty conferences
  - consideration of and advice on notification of claims (particularly bulk notifications and consideration of which insurer is on risk)
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