



Benjamin Wood

Education

BA (Hons), Classics from St John's College, Oxford; Graduate Diploma in Law, City University



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Profile



Ben specialises in commercial litigation, with a particular emphasis on cases with a financial or fraud angle, especially those in the Chancery or professional liability fields.

Ben is rated in Chambers and Partners and the Legal 500 for his Professional Liability work. Described by the 2016 editions as “*extremely sound on the law, brilliant on his feet in court and fantastically commercial*”, “*excellent - he provides a friendly service and is tenacious in court*” and “*a really good sounding board who provides very pragmatic advice*”; “*he thinks around a situation beautifully and comes up with well-crafted arguments and strategies*”. In past years, he was noted as “*brilliant in cross-examination*” with “*a real depth of knowledge in the area, which adds real value*” and “*very bright and user friendly, with an ability to get to grips with the key issues quickly*”.

Recent instructions have sent Ben to the Court of Appeal (both led and on his own), Commercial Court, TCC, QB and Chancery Divisions. Ben has also been appointed as a Deputy District Judge.

Outside his professional liability practice, he has advised and appeared in cases as diverse as a commercial kitchen dispute, joint venture property developments, agency commission payments, the Consumer Credit Acts, insurance coverage claims, the impact of the Human Rights Act 1998 on mortgage agreements, probate mediation and restrictive covenants in employment contracts.

Ben has considerable experience in the High Court and County Court, regularly appearing in a wide range of trials, appeals and interim applications. In a recent case (*Kandola v. Mirza* [2015] EWHC 460 (Ch), reported at [2015] PNLR 19), which was a professional liability claim against a solicitor, the Judge commented upon Ben’s “*very able cross examination*”. Similarly, in *Jumani v. Mortgage Express* [2013] EWHC 1571 (Ch), which raised questions of contractual construction, compromise and Law of Property Act receiverships, the fruits of Ben’s cross-examination featured extensively in the judgment. The same matter took Ben to the Court of Appeal: [2012] EWCA Civ 1455.

Led by Nicholas Davidson QC, Ben appeared for the claimant in *Newcastle International Airport Ltd v. Eversheds* [2014] 1 WLR 3073, at first instance and in the Court of Appeal. The case raises questions of a solicitor’s duty where he takes instructions from an officer of their client (in this case, the airport) who is also on the other side of a transaction (in this case, the chief executive in relation to his own service contract).

Ben also appeared as sole advocate before Lewison J in *Thompson v. Foy* [2010] 1 P&CR 16, a seven day trial involving claims of undue influence, overriding interests and proprietary estoppel. He has been instructed in claims under Section 423 of the Insolvency Act, freezing injunctions, applications to commit for contempt, and complex multi-party solicitors’ negligence claims. In addition, Ben was instructed as a junior in the Commercial Court group litigation following the collapse of The Accident Group; and in high value solicitors’ negligence actions in the Chancery Division involving disputes over a 20 year old land swap agreement and defective tax advice.

Ben also has experience of foreign jurisdictions. He is currently instructed as sole UK counsel in an offshore dispute relating to the management and administration of an investment fund.

Before coming to the Bar, Ben worked at Procter & Gamble and then joined NM Rothschild & Sons, where he worked as a corporate finance adviser. Whilst at Rothschild in the European Mergers and Acquisitions team, Ben was

involved in numerous transactions, notably the £2bn Marks & Spencer restructuring and European store disposals and the ECJ determination of the Competition Commissioner's prohibition of the takeover of Sidel by Tetra Laval.

Outside Chambers, Ben enjoys diving, skiing and sailing – at least when his (self-inflicted) dodgy knee permits.

Scholarships and prizes

- Hardwicke Scholarship
- Lord Brougham Scholarship
- Sir Peter Millett Prize
- Eastham Scholarship

Appointments

- Deputy District Judge (County Court and District Registry)
- Education & Training Committee, Bar Standards Board (Barrister member)
- Advocacy Tutor (Lincoln's Inn)

Memberships

- Chancery Bar Association
- Combar
- Professional Negligence Bar Association

Professional Liability

"A really good sounding board who provides very pragmatic advice." "Excellent - he provides a friendly service and is tenacious in court." - Chambers & Partners, 2016

'He thinks around a situation beautifully and comes up with well-crafted arguments and strategies.' - Legal 500, 2016

'He is extremely sound on the law, brilliant on his feet in court and fantastically commercial' - Legal 500, 2015

"He is brilliant in cross-examination." "He has a real depth of knowledge in the area, which adds real value." - Chambers & Partners, 2015

Recognised by the Legal 500 and Chambers & Partners as a Leading Junior in Professional Liability work, Ben acts for and against a wide range of professionals: solicitors, barristers, architects, surveyors, accountants, auditors, brokers, trustees, tax advisers and financial advisers.

Ben's recent professional liability trials have included [Kandola v. Mirza Solicitors LLP \[2015\] EWHC 460 \(Ch\)](#), in which Ben acted for the defendant solicitors who successfully resisted a claim arising out of a commercial conveyancing transaction. The Judge commented on Ben's "very able cross examination". As a junior, Ben was recently led by David Halpern QC, in a claim by Barclays against Grant Thornton, arising out of a non-statutory audit report: [Barclays Bank plc v. Grant Thornton UK LLP \[2105\] EWHC 320 \(Comm\)](#).

Ben was junior to Nicholas Davidson QC in *Newcastle International Airport Ltd v. Eversheds* [2014] 1 WLR 3073, at first instance and in the Court of Appeal. The case raises questions of authority where solicitors take instructions from an agent of their client (in this case, the airport) who is also on the other side of a transaction (in this case, the chief executive in relation to his own service contract).

He was instructed as a junior in the Commercial Court group litigation following the collapse of The Accident Group and was recently instructed in two similar, Commercial Court actions. He has been briefed as junior (to David Halpern QC) in a high value solicitors' negligence action in the Chancery Division involving a dispute over a 20 year old land swap agreement and in a £26 million mortgage fraud involving surveyors and various firms of solicitors.

Ben is often instructed to represent clients at mediation and to advise on litigation strategy, particularly where the opposing sides appear to have very different views of the merits of their cases. Both at trial and beforehand, Ben is particularly adept at identifying and capitalising upon evidential weaknesses in the other party's case.

There is considerable overlap between Ben's Chancery, commercial and professional liability practices and he tries to draw on his own experience in the commercial and financial sectors when advising and appearing on behalf of clients.

He particularly enjoys complex financial questions, whether they are at the heart of the dispute or required for a proper quantification of the claim.

Chancery

Having completed part of his pupillage at a leading commercial Chancery set, Ben is particularly interested in cases with a real property or Chancery element. As a pupil, he saw a wide range of cases, ranging from those before the Leasehold Valuation Tribunal and the Adjudicator to the Land Registry to others involving negligent advice to pension trustees, rights of way and directors' fraud.

Since joining 4 New Square, Ben has established a reputation as a sought after junior in property work, and particularly claims involving mortgages. Recent instructions include [Thompson v. Foy \[2010\] 1 P&CR 16](#) (undue influence, proprietary estoppel, actual occupation, overriding interests), numerous claims involving allegations of forgery and an appeal on the effect of the Human Rights Act 1998 on mortgage possession claims. More esoteric instructions have included advice and advocacy in respect of an injunction and a warrant of committal against a mortgagor with a parrot, a python and an assortment of exotic spiders.

Ben has experience of freezing injunctions and other forms of interim relief. He has been instructed several times on claims under Section 423 of the Insolvency Act 1986.

There is a considerable overlap between Ben's Chancery and professional liability practices. He was instructed as a junior (to David Halpern QC) in a high value solicitors' negligence action in the Chancery Division involving a dispute over a 20 year old land swap agreement. Other professional negligence instructions have involved disputes over leasehold enfranchisement, suspected mortgage fraud, drafting of Wills and administration of estates. More recently, Ben acted for the successful defendant solicitors in a claim that raised issues of insolvency and conveyancing practice: [Kandola v. Mirza Solicitors LLP \[2015\] EWHC 460 \(Ch\)](#).

In 2013, Ben appeared for the successful lender in *Jumani v. Mortgage Express* [2013] EWHC 1571 (Ch), in which questions of compromise and the role of LPA receivers were raised.

Current and recent instructions in the traditional Chancery sphere include a claim arising out of an *ultra vires* transfer from a family trust (and the tax fallout therefrom), a *devastavit* claim arising out of the maladministration of an estate, a dispute over the common parts rights enjoyed by leaseholders in a residential development, a claim arising out of disputed rights of way and a claim arising out of ineffective succession planning.

Wherever possible, Ben tries to bring his commercial and banking experience to bear on cases in which he is involved. He is particularly comfortable with complex financial questions, whether they are at the heart of the dispute or required for a proper quantification of the claim. Ben is also highly effective at dealing with cases where there are allegations of dishonesty or where the credibility of the witnesses is in issue.

Commercial Dispute Resolution

Ben's recent instructions have included a £0.5 million dispute between a finance company and its property development partner; a multi-party claim arising out of a £250 million fraud; a £1 million spread betting claim; a tax advice claim arising out of a £50 million share/property transaction; a claim in respect of critical illness insurance; and an agency dispute.

With a background in the commercial and financial sectors, Ben is particularly sensitive to the issues arising out of commercial or corporate transactions. He aims to give practical and strategic advice, albeit with a keen eye on the legal realities of the case.

Ben's recent trial experience includes [Kandola v. Mirza Solicitors LLP \[2015\] EWHC 460 \(Ch\)](#), where the truthfulness of the parties' witnesses was central to the dispute. Ben's client was successful and the Judge commented on his "very able cross examination". Ben was recently led in the Commercial Court by David Halpern QC in a non-statutory audit claim: [Barclays Bank plc v. Grant Thornton UK LLP \[2015\] EWHC 320 \(Comm\)](#).

Ben's broad commercial caseload has led him to appear or be instructed in cases before the Commercial Court, Chancery Division, QB and Mercantile courts. He was instructed as a junior in the Commercial Court group litigation following the collapse of The Accident Group and was subsequently instructed in similar Commercial Court actions.

Ben's professional liability instructions often arise out of (or turn into) commercial disputes, whether solicitors' negligence (advisory or contentious), accountants, auditors, surveyors or financial professionals

Construction & Engineering

As a pupil, Ben saw various engineering and construction disputes involving architects, surveyors and planning consultants.

In his own right, Ben has been instructed to take over a bitter dispute over the design and installation of a commercial kitchen (settled on the first day of trial in the T&CC in Newcastle). Other disputes have involved retail redevelopment (counterclaim against designers and builders), floor and roofing contractors, and numerous domestic construction disputes.

Ben enjoys the technical challenge presented by construction and engineering disputes and is comfortable dealing with difficult or unusual areas of expertise.
