Mark Cannon QC

Education

B.A. (Oxon) (First Class) in Modern History, Lincoln College, Oxford, 1983. Part 1B of the Law Tripos (First Class), Robinson College, Cambridge, 1984. Called to the Bar of Northern Ireland: 2014.

Tel: +44 20 7822 2032
Email: m.cannon@4newsquare.com
Email Clerk: l.stewart@4newsquare.com

Year of Call: 1985
Year of Silk: 2008

Profile

Described in the directories as “superb”, “extremely solid and punchy” and “technically excellent”, Mark is a well-established commercial silk whose practice is mainly focused on the areas of professional liability in a commercial context, insurance and reinsurance and construction. He is an experienced and highly effective advocate in trials, arbitrations and appellate courts and has appeared in numerous leading and reported cases. Much of his work involves the preparation of cases for trial. He also has a strong advisory practice and accepts appointments as an arbitrator.

His qualities are consistently recognised in the directories:

Ability: “immense intellect and awe-inspiring knowledge of the law” “what he doesn't know about professional negligence is not worth knowing" “second to none in terms of intellectual ability” “a velvet-gloved grasp of the law” “scarily clever” “brilliant at assessing the law” “very, very clever and is afforded great respect” “a very clear-thinking lawyer” “a very impressive intellect”

Acumen: “very good at recognising the commercial parameters within which his clients operate” “very good judgment in all that he undertakes” “a great ideas man” “gives very commercial advice backed up with a very strong commercial understanding of the law” “spot-on analysis” “has excellent judgement” “provides clear, reliable advice”

Advocacy: “an excellent advocate” “very attractive advocacy style” “impressive in court and possessed of a very agile brain” “highly intelligent, good on paper and on his feet" “his manner of expression as an advocate is very impressive” “a real trooper who holds his corner in court well”

Application: "responsive, hands-on and hard-working” “prepared to roll up his sleeves and get into the facts and documents” “always reliable and responsive” “very user-friendly” “very hard-working and serious lawyer”

Mark likes to think that he lives up to these standards.

Over the last 30 years Mark has been instructed in a number of long-running, large cases, including group litigation. He is used to working as part of a team of lawyers and experts in substantial litigation. He relishes the challenge of working with others to master complex facts and difficult points of law, to make the right tactical decisions, to put forward the best possible case and to achieve the best possible result at the right time. Mark welcomes the expertise, insight and contribution that all members of a team can provide.

Mark is co-author of Cannon & McGurk on Professional Indemnity Insurance (OUP, 2010; second edition 2016) and has been an editor of Jackson & Powell on Professional Liability (Sweet & Maxwell, 7th edition) since the 3rd edition (1992).

He is a former chairman of the Professional Negligence Bar Association and is also a member of the Chancery Bar Association, COMBAR, London Common Law & Commercial Bar Association, Tecbar and the Western Circuit. Mark is also a member of the Bar of Northern Ireland.

International Arbitration

Mark has extensive experience of arbitrations, including:

- Reinsurance and insurance arbitrations
- Construction and engineering arbitrations
- Commercial arbitrations

Recent arbitrations include:

- Disputes between the insured, primary insurers and excess layer insurers as to aggregation under professional indemnity insurance
- Coverage disputes between successive insurers of the same professional firm
- Claims against a firm of construction professionals for alleged breach of contract and negligence in the design of and administration of the contract for the construction of a facility for a local authority
- A dispute between a project manager and its former client concerning a massive development in the Russian Federation

Mark has also acted and accepts instructions as an arbitrator, particularly in arbitrations concerning professional indemnity insurance.

Commercial Dispute Resolution

Mark has long undertaken a wide range of commercial work, including sale of goods, corporate and personal insolvency, share warranty and other contractual claims and domestic banking.

Examples of the range of Mark's work in this area include:

- *Aldermore Bank Plc v Rana* [2015] EWCA Civ 1210; [2016] 1 W.L.R. 2209: what constitutes completion on a re-mortgage.
- *Knox D'Arcy Operations Ltd v Manches LLP* [2012] EWCA Civ 33; [2013] PNLR 18: equitable assignment of the proceeds of commercial litigation.
- A contractual dispute as to whether printed goods complied with terms as to fitness for purpose and quality.
- Advising as to the potential exposure to asbestosis claims of the purchaser of a business and related advice as to potential claims under the Insolvency Act 1986.
- Advice/expert evidence as to the incorporation and effectiveness of exclusion clauses in a chain of contracts for the sale of cable for the lighting system of an airport.

Construction & Engineering

"Highly intelligent, good on paper and on his feet." "He gives very commercial advice backed up with a very strong commercial understanding of the law" - Chambers & Partners, 2016.

"He is brilliant at assessing the law, has a strong sense of justice and is always reliable and responsive" - The Legal 500, 2015.

Mark regularly acts for employers, contractors and sub-contractors in court proceedings and arbitrations. His work in this area includes

- Contractual claims, including, but not limited to claims for loss and expense, extensions of time, damages and injunctive relief
- Insurance issues
- Insolvency issues
- Claims against architects, engineers, project managers and quantity surveyors

Mark has been instructed in disputes concerning a wide range of buildings including hospitals, nuclear power stations, theatres, multi-storey office blocks in Docklands, housing estates, shopping centres, warehouses and container unloading facilities.

His work in this area includes disputes as to insurance coverage in a construction context, including contractor's all risk insurance, public liability insurance and professional indemnity cover.

Mark acts in adjudications, where his ability to digest large amounts of paperwork and produce a clear, coherent case in a short time can be of particular value.

Recent and representative cases:

- *McLaughlin & Harvey Ltd v. Allianz Plc and Others*: Claim by Northern Irish contractors against CAR insurers and M&E sub-contractor. Mark was instructed on behalf of the contractors. The case settled on the second day of a 4 week trial in April 2016 on terms which were satisfactory to Mark's clients.
- *X v. Y*: Mark is currently acting for a project manager in an LCIA arbitration concerning a vast development in Russia.
- *A v. B*: Mark defended a sub-contractor against a claim for negligent design/specification and a claim by the sub-contractor against a firm of engineers. The claim settled on favourable terms in 2015.
- *Co-Operative Group Ltd v. Birse Developments Ltd* [2014] EWCA Civ 707; [2014] BLR 477 and other decisions: Mark acted for specialist flooring sub-sub-contractors and successfully argued that proposed amendments substantially increasing the amount claimed should not be allowed.
- *MAC Hotels Ltd v. Rider Levett Bucknall UK Ltd* [2010] EWHC 767 (TCC): Mark defended project managers against a multi-million pound claim arising out of substantial refurbishment of a country house hotel.
- *Supershield Ltd v. Siemens Building Technologies FE Ltd* [2010] EWCA Civ 7; [2010] 1 Lloyd's Rep. 349: important case on foreseeability and causation of loss.
- *Tesco Stores Ltd v. Constable* [2008] EWCA Civ 362; [2008] Lloyd's Rep. I.R. 302: leading case on scope of public liability insurance in relation to a substantial construction project.
- *Royal Brompton v. Hammond*: Mark acted for the NHS trust in an arbitration with the main contractor and then on claims against the professional team. The litigation was hard fought over many years and involved several trips to the Court of Appeal and one to the House of Lords.

Insurance & Reinsurance

Much of Mark's work has an insurance element. He is the co-author of Cannon & McGurk on Professional Indemnity Insurance (OUP, second edition 2016) and regularly advises on coverage and other issues in this area as well as acting for both insurers and insured in disputes.

Mark is listed as a leading silk in insurance in Chambers & Partners. Comments include:

- "very learned and knowledgeable on insurance matters"
- "the person to go to for professional indemnity insurance. He just knows it inside out and has excellent judgement"
- "responsive, hands-on and hard-working. What he doesn't know about professional negligence is not worth knowing"
- "one of the brightest silks on professional indemnity law"

While his co-authorship of Cannon & McGurk on Professional Indemnity Insurance means that Mark has a particularly high standing in that area of insurance, he has extensive experience of other areas of insurance. Mark's expertise in construction law combines with his insurance practice and he is frequently instructed in relation to disputes concerning the insurance of major construction and engineering projects.

Recent and current cases include:

- *McLaughlin & Harvey Ltd v. Allianz Plc and Others*: Claim by Northern Irish contractors against CAR insurers and M&E sub-contractor. Mark was instructed on behalf of the contractors. The case settled on the second day of a 4 week trial in April 2016 on terms which were satisfactory to Mark's clients.
- *Impact Funding Solutions Ltd v. Barrington Support Services Ltd (formerly Lawyers at Work Ltd)* [2015] EWCA Civ 31; [2015] 4 All E.R. 310; [2015] Lloyd's Rep IR 371: application of exclusion for trading debts and liabilities (an appeal is to be heard by the Supreme Court in June 2016).
- Acting for the insured in a claim against insurers concerning damage to goods in the Middle East.
- *McManus v. European Risk Insurance Co hf* [2013] EWCA Civ 1545; [2014] Lloyd's Rep IR 169: block notifications and declaratory relief.
- *Sutherland Professional Funding Ltd v. Bakewells (A firm)* [2011] EWHC 2658 (QB); [2013] Lloyd's Rep IR 93: acting for insurers on issue as to scope of coverage under professional indemnity insurance in respect of the insured's liability under a guarantee.
- *Maritsave Ltd v. National Farmers' Union Mutual Insurance Society Ltd* [2011] EWHC 1660 (QB); [2012] Lloyd's Rep. IR 296: acting for insurers on fire claim; defence of breach of warranty.
- Acting for insurers in an arbitration as to whether they or later insurers are on risk for a number of claims against the insured.
- Defending a claim for insurers under an insurance policy insuring livestock, among other things: issues of non-disclosure and breach of warranty: *Dedames v. National Farmers' Union Mutual Insurance Society Ltd* [2009] EWHC 2805 (QBD).
- Acting for an insured on a coverage dispute under a public liability policy in respect of a major construction project: *Tesco Stores Ltd v. Constable* [2008] EWCA Civ 362; [2008] Lloyd's Rep IR 636

- Acting for a firm of solicitors in a dispute with insurers on the primary and excess layers of their professional indemnity insurance; issues included whether third party litigation against the solicitors was to be treated as a single claim or multiple claims under the policies. Arbitration award at the end of 2007.
- Acting for a defendant at the trial in the Commercial Court of a multi-million pound claim for alleged fraud and secret profits from off-shore insurance and reinsurance in the Isle of Man and Guernsey. Case settled at the end of 2005 after a 3 month trial.

Earlier experience includes acting for a Lloyd's syndicate in an arbitration concerning reinsurance in the companies market of business written before 1966, including long-tail asbestosis and pollution liability in the USA and advising a major public transport body as to aggregate insurance in relation to a complex insurance programme.

Professional Liability

Mark enjoys a very high reputation in the area of professional liability.

Described in 2015 edition of The Legal 500 as "one of the brightest silks on professional indemnity law" and in Chambers & Partners 2016 as an "excellent" leading silk in this area and who is "user-friendly and provides clear, reliable advice", "able to quickly get to grips with complex professional negligence litigation" and "an out-and-out professional negligence expert - he knows the law backwards".

Mark's work in this area concentrates on professional liability in a commercial context. Mark regularly acts for both claimants and defendants, both because he is professional bound by the "cab rank" rule to do so and because he feels that it is important to understand how cases appear to both sides.

He enjoys working as part of a team with professional, expert clients, specialist solicitors and expert witnesses. He is sensitive to the commercial and other pressures which claims against professional firms and individuals entail.

As well as extensive experience of claims against a wide range of professions, Mark regularly acts and advises in coverage disputes under professional indemnity policies.

Mark has been an editor of Jackson & Powell on Professional Liability (Sweet & Maxwell, 6th edition, 2007) since the 3rd edition (1992).

In the 3rd and 4th editions he edited the chapter on Insurance Brokers and in the 4th edition he wrote the chapter on Members' and Managing Agents at Lloyd's. In the 5th and 6th editions Mark has edited the chapters on Duties, Remedies, Contribution between Defendants and Defences. In the forthcoming 8th edition he will take over responsibility for editing the chapter on Accountants and Auditors.

Mark is a former chairman of the Professional Negligence Bar Association.

Accountants, Auditors & Actuaries

Mark has acted in many claims against accountants and auditors, including claims for negligent audit work, negligent preparation, review and audit of management accounts and negligent advice (including negligent tax advice, both corporate and personal). He is highly numerate and has a thorough understanding of the audit process, the statutory and regulatory regimes and the relevant auditing standards.

Recent and current work includes:

- *Rushmer v. Mervyn E. Smith & Co* [2009] EWHC 94 (QB); [2009] Lloyd's Rep. PN 41: Successful defence of a claim by director/shareholder /guarantor against auditor and accountant of company; issues as to duty of care, causation, loss, reflective loss and abuse of process.
- *University of Keele v. Price Waterhouse* [2004] EWCA Civ 583; [2004] PNLR 43 and [2003] EWHC 1595 (Ch); [2004] PNLR 8 (loss of a chance to implement a valid profit related pay scheme).
- Acting for a City firm of solicitors in a claim against a major firm of accountants for failure to detect theft of client money by a partner.
- Acting for a major firm of accountants on a claim for allegedly negligent tax advice in relation to a complex commercial property transaction.
- Acting for co-defendants in contribution proceedings between them and a major firm of accountants for allegedly negligent drafting of financial instruments issued as part of a takeover.
- Advising a university as to a potential claim against its former auditors, a major firm of accountants.
- Acting for a credit management services company on a claim against its former auditors, another major firm of accountant

Mark also acted for Maxwell pension funds (in particular MCC pension fund) against the auditors of pension funds and fund managers. He will be editing the chapter on Accountants and Auditors in the forthcoming 8th edition of Jackson & Powell on Professional Liability.

Construction Professionals

Extensive experience of acting for claimants and defendants including claims in relation to design, contract administration, ground investigations and foundations.

In relation to design, claims in which Mark has been instructed have involved defective architectural and engineering features and failure to provide the information to which the contractor was designed in time.

In relation to contract administration, Mark has sued and defended project managers, architects and quantity surveyors for allegedly inadequate advice as to a wide variety of matters including how to respond to issues which arise during the course of a project, cost and delay.

In relation to ground conditions, Mark has extensive experience of cases involving a range of foundations in a variety of ground conditions, from simple slab foundations to piled foundations in peat bogs and landfill sites. Cases have included a housing estate where the houses were adequately supported by piles but the roads, paths, services and drains sank several metres and a housing development in a landfill site where negative skin friction on the piles caused the show house to collapse before the other houses had been finished.

Mark has been involved in cases concerning a wide range of buildings and structures, including complex structures such as hospitals, nuclear power stations and theatres and relatively simple structures such as warehouses. He relishes the challenge of mastering technical engineering issues.

Mark is listed as a leading silk in the area of professional negligence in technology and construction in the current edition of Chambers & Partners.

Cases include:

- Defending a specialist sub-contractor against a claim for negligent design/specification and acting on a Part 20 by the sub-contractor against a firm of engineers.
- Defending specialist design and build flooring sub-contractors (*Birse Developments v. Co-operative Group Ltd* [2013] EWCA Civ 474; [2013] BLR 383 and [2014] EWCA Civ 707; [2014] BLR 477)
- Defending engineers in a claim for negligent advice in relation to a system of water drainage on a development site.
- Acting for a local authority in an arbitration against the professional firm which had managed and designed the construction of a children's centre.
- Defending a firm of project managers against a multi-million pound claim concerning the development of a country house hotel (recent issues as to s.14A of the Limitation Act 1980 and amendment): *MAC Hotels Ltd v. Rider Levett Bucknall UK Ltd* [2010] EWHC 767 (TCC).
- Defending a firm of civil engineers against a claim for allegedly negligent design of a container unloading pavement.
- Defending a specialist geotechnical subcontractor in relation to settlement of a large warehouse.
- Acting for the claimant NHS trust in *Royal Brompton Hospital v. Hammond* litigation against project managers, architects and M&E engineers: reported decisions include [2002] UKHL 14; [2002] 1 WLR 1397 (HL) on the Civil Liability (Contribution) Act 1978.
- Acting for consulting engineers in the defence of a claim arising out of a major tunneling project.
- *Try Build Ltd v. Invicta Leisure Tennis Ltd* (1997) 71 Con LR 141: Design duties of engineers (TCC).
- *Chesham Properties v. Bucknall Austin* (1996) 82 BLR 92: acting for defendant architects in claim arising out of a residential development in Belgravia: issues as to limitation and scope of duty.

Insurance Brokers & Agents

Work in this area is related to Mark's extensive practice in Insurance and Reinsurance. He was first instructed in a broker's negligence claim in 1987. He has sat alongside an underwriter at Lloyd's and knows how brokers and underwriters deal with each other in practice.

Mark's work in this area includes:

- Acting for 28 Lloyd's syndicates in claim against a Lloyd's broker concerning reporting on the holder of a binding authority (*Pryke v. Gibbs Hartley Cooper* [1991] 1 Lloyd's Rep 602).
- Advising major public transport authority on possible claim against brokers in relation to a 2 year public liability policy.
- Acting for brokers on a claim for breach of duty in placing professional indemnity policy.
- Defending brokers against a claim for alleged negligence in failing to obtain suitable terms or to advise the insured of them in relation to commercial property insurance.

Mark edited the chapter on insurance brokers in the 3rd and 4th editions of Jackson & Powell on Professional Liability and wrote the chapter on members' and managing agents at Lloyd's in the 4th edition. He is also co-author of the chapter on insurance brokers in Cannon & McGurk on Professional Indemnity Insurance (OUP, 2nd edition 2016).

Lawyers

Mark has very extensive experience of acting for claimants and defendants in claims against solicitors and barristers, including claims arising from commercial, corporate and property transactions, claims concerning lost or mishandled litigation, investment schemes (including fraudulent schemes, collective investment schemes and other claims concerning Financial Services legislation and regulation) and mortgage fraud.

The underlying litigation and transactions in cases in which Mark has been instructed range from shipping and aviation litigation in the Commercial Court to high volume personal injury litigation and from multi-million property and share transactions to the purchase of relatively modest homes. He has acted in claims against lawyers for allegedly negligent drafting of and advice concerning a wide range of corporate transactions. Mark has acted on claims against top City firms and High Street sole practitioners.

Mark has acted for defendant solicitors in group litigation concerning allegedly negligent failure to advise as to home income plan/equity release mortgages and in relation to the exercise of the right to buy local authority housing. He has particular experience of the interaction of a solicitor's retainer with the regulatory regime which applies to financial and mortgage advisers.

Mark also acts and advises as to disputes as to coverage under professional indemnity insurance policies, including issues of alleged dishonesty. He is co-author of Cannon & McGurk on Professional Indemnity Insurance (OUP, 2nd edition 2016).

Cases include:

- Defending a firm of solicitors against a very large number of claims for alleged negligence in the exercise by local authority tenants of their "right to buy" (in November 2015 the trial of lead cases settled on terms that the claimants discontinued on terms that each side bore its own costs after Mark's cross-examination of the lead claimants).
- *Schumann v. Veale Wasbrough* [2015] EWCA Civ 441; [2015] PNLR 25: defending solicitors against a claim for allegedly failing to identify a valid wrongful birth claim.
- Defending a firm of solicitors against allegations of breach of contract and fiduciary duty in the sale of a construction company.
- Acting for a group of buy-to-let purchasers in a claim against solicitors, valuers and mortgage lenders for conspiracy to defraud.
- Advising a major City firm of solicitors and their professional indemnity insurers as to the merits of claims against them for allegedly failing to identify a conflict of interest between different companies in the same group for whom the solicitors were acting and for allegedly negligent advice to the directors of a company which was in severe financial difficulties as to their duties under the Insolvency Act 1986.
- Defending solicitors against a claim for allegedly negligent drafting of a PFI contract.
- Defending a solicitor alleged to have negligently exposed a client to claims under the Insolvency Act 1986 as a result of the structure of a corporate transaction.
- Advising as to the effect of sale/assignment of loans by way of warehousing and securitisation.
- Appearing for insurers in claims against their insured related to third party funding of disbursements: *Sutherland Professional Funding Ltd v. Bakewells* [2011] EWHC 3457 (QB): issues included to the existence and scope of fiduciary duties, professional codes of conduct and limitation.
- Defending a firm of solicitors against a claim for allegedly negligent drafting of a PFI contract.
- Defending a barrister against a claim for alleged negligence in the context of commercial litigation: *West Wallasey Car Hire Ltd v. Berkson & Berkson* [2010] PNLR 10.
- Acting for the major shareholder in a football club in an action against the solicitors who advised it on the purchase of a controlling interest in the club: *Fulham Leisure Holdings Ltd v. Nicholson Graham & Jones* [2008] EWCA Civ 84; [2008] PNLR 22; [2006] EWHC 2017 (Ch) (decision on extent of waiver of privilege reported at [2006] 2 All ER 599).
- Defending a firm of solicitors against a claim for several million pounds for alleged negligent drafting of a contract for the disposal of animal carcasses during the foot and mouth epidemic in 2001: *Cumbria Waste Management Ltd v. Baines Wilson (a firm)*: issue as to disclosure of documents from mediation of underlying litigation: [2008] EWHC 786 (QB); [2008] BLR 330.
- Acting on claims against 2 firms of solicitors and a barrister for loss of claims for up to US$ 77 million in the Commercial Court.
- Defending a firm of solicitors alleged to be liable for a multi-million pound reinsurance fraud (3 month trial in the Commercial Court).
- Defending a solicitor accused of negligently failing to issue proceedings in time (defence of reliance on specialist counsel): *Regent Leisuretime v. Skerrett* [2005] EWHC 2255 (QB); [2006] EWCA Civ 1184; [2007] PNLR 9.
- Defending a number of solicitors in relation to claims arising out of "prime bank guarantees" and similar "investments" (one claim was dismissed at first instance and on appeal: *JJ Coughlan Ltd. v. Ruparelia and Others*

[2003] EWCA Civ 1057; [2004] PNLR 4, now a leading case on the vicarious liability of “innocent” partners).

- Acting for ship owners in a claim against a city firm for negligence in relation to earlier marine insurance litigation in the Commercial Court: interlocutory issue in the Court of Appeal reported as *Somatra Ltd. v. Sinclair Roche & Temperley* [2000] 1 WLR 2543; judgment given against defendant solicitors after 36 day trial: [2002] EWHC 1627 (Comm); decision of trial judge upheld on appeal: [2003] EWCA Civ 1474; [2003] 2 Lloyd's Rep 855.
- *Investors Compensation Scheme Ltd v. West Bromwich Building Society*: Acted for over 200 firms of solicitors in claims brought against them in relation to home income plans marketed by incompetent FIMBRA members between 1988 and 1990: preliminary issue in House of Lords reported at [1998] 1 WLR 896 and trial of lead cases reported at [1999] Lloyd's Rep PN 496.
- Defending a firm of solicitors against a claim for negligence in relation to the conveyance of a development site which was contaminated.
- Defending solicitors alleged to be vicariously liable for fraudulent representations and conspiracy in relation to an international sales contract and subsequent arbitration.

Surveyors & Valuers

Mark has acted for and against valuers in claims involving high-value residential property and commercial property following the falls in property prices in the late 1980s and after the collapse of Lehman brothers in 2008.

He has been involved in numerous cases involving residual valuations and is well versed in the arguments as to the margin of permissible error in relation to the components of such valuations as well as the overall figure. He appeared in the leading case of *Merivale Moore v. Strutt & Parker* [1999] Lloyd's Rep PN 734. He is currently instructed in a number of high value claims against valuers in relation to development sites and commercial properties.

Arguments as to contributory negligence and failure to mitigate are frequently raised in such claims and Mark has extensive experience of issues as to allegedly negligent lending and failure to take steps to take possession of the mortgaged properties.

Mark appeared for lenders on an appeal as to whether syndication of a loan resulted in the claim for damages disappearing into a black hole: *Helmsley Acceptances Ltd v. Lambert Smith Hampton Group Ltd* [2010] EWCA Civ 356 and has advising in cases involving sale/assignment of loans by way of warehousing and securitization.

Financial Services Professionals

Mark has been involved in numerous claims against financial services professionals. He is fully familiar with the regulatory regime under the Financial Services and Markets Act 2000, including conduct of business rule books, the working of the Financial Ombudsman Service and the Financial Services Compensation Scheme.

Mark's experience in this area goes back to claims for breaches of conduct of business rules under the Financial Services Act 1986.

He appeared in *ICS v. West Bromwich Building Society* [1999] Lloyd's Rep PN, which concerned the mis-selling of equity release mortgages/home income plans. He has acted in claims for mis-investment of pension funds, including claims for "churning" and inappropriate selection of investments. More recently, in the Right to Buy litigation, Mark defended solicitors against claims relating to mortgages taken out by people exercising their right to buy in the context of MCOBS.

Mark also advises as to claims for compensation to the Financial Ombudsman Service and Financial Services Compensation Scheme and appears in related applications for judicial review. Recent cases include *Emptage v. Financial Service Compensation Scheme Ltd* [2013] EWCA Civ 729 (acting on successful challenge to assessment of compensation for mortgage mis-selling by FSCS) and advising a group of investors claiming compensation for mis-selling of traded life policy investments.