

Benjamin Wood

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He thinks around a situation beautifully and comes up with well-crafted arguments and strategies.

- Legal 500

Benjamin Wood 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 recent editions as “a fearsome advocate, with a keen intellect”, “he is extremely intelligent and very easy to deal with. He is very quick in grasping the issues, and provides commercial advice”, “an incredibly safe pair of hands. Obviously hot on the law, but he sees it through the commercial prism”; “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”.

Ben has been appointed as a Deputy District Judge with a Business and Property authorisation. He accepts instructions to act as an expert or arbitrator and has particular experience of determining disputes between insurers and policyholders regarding the conduct of a defence or coverage issues.

Ben also has experience of foreign jurisdictions and has acted as part of the offshore team.

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.

Privacy Policy

Click here for a **Privacy Policy** for Benjamin Wood.

Areas of Expertise

Commercial Litigation

Commercial advisory work and advocacy comprise the majority of Ben's practice.

Ben has acted in a wide range of commercial disputes, including those arising from finance agreements, partnerships, tax schemes and SPAs, together with a variety of other contractual claims. They have covered numerous sectors, including banking and financial services, retail, consumer goods, manufacturing and professional services.

With a background in the commercial and financial sectors, including three years as a corporate financier at NM Rothschild & Sons, 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 cases involve a variety of commercial legal issues, including contractual matters, commercial fraud, interim relief, shareholder and partnership disputes, allegations of wrongdoing and negligence, breach of directors' duties and breach of trust.

With his judicial experience, Ben has been instructed to act as an adjudicator or provide expert determinations in commercial and insurance matters. He is often instructed to represent clients at mediation and to advise on litigation strategy. Both at trial and beforehand, Ben is particularly adept at identifying and capitalising upon vulnerabilities in the other party's case.

In addition to his work in the UK, Ben has also worked as part of an offshore team and is very happy to act either as the advocate or as support to the local expert team.

Cases have included:

- In relation to Covid-19, a dispute arising out of the cancellation of a large public event, including allegations of contractual frustration.
- Junior counsel in multi-party insurance dispute arising out of the Madoff fraud.
- Junior counsel in multi-party dispute arising out of Far East metals warehousing and finance fraud.
- 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 in relation to an executive negotiating his own service contract and acting as agent of the employer (in this case, the airport) at the same time.
- Numerous claims arising out of SPA, tax, trading and other warranties and alleged non-disclosure.
- Instructed for the fund intermediary in an alleged multi million pound Ponzi scheme involving investment in overseas property. This raised cross-border issues.
- With David Halpern QC, £26 million bank fraud conspiracy.
- Supply dispute arising out of a solus agreement for robotic manufacturing equipment.
- Claim in relation to wrongly paid commission/bribes in a worldwide agency agreement.
- Fraudulent misrepresentation and conspiracy claims.

Professional Liability

"A fearsome advocate, with a keen intellect." – *Legal 500, 2019*

"He is extremely intelligent and very easy to deal with. He is very quick in grasping the issues, and provides commercial advice."
"An incredibly safe pair of hands. Obviously hot on the law, but he sees it through the commercial prism." – *Chambers & Partners, 2019*

"A really good sounding board who provides very pragmatic advice." *"Excellent – he provides a friendly service and is tenacious in court."* *"He is brilliant in cross-examination."* *"He has a real depth of knowledge in the area, which adds real value."* – *Chambers & Partners*

"He thinks around a situation beautifully and comes up with well-crafted arguments and strategies." *"He is extremely sound on the law, brilliant on his feet in court and fantastically commercial."* – *Legal 500*



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 was formerly a co-editor of the *Strategy & Tactics* chapter of Simpson on *Professional Liability*.

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.

With his judicial experience, Ben has been instructed to act as an adjudicator or provide expert determinations in professional liability disputes, including disagreements between insurers and their insureds as to strategy and coverage disputes.

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.

Lawyers

Ben has wide experience in claims for and against lawyers, acting in the Court of Appeal, the High Court and in County Court claims.

His practice includes wasted costs and coverage work. Ben is instructed as sole advocate and as a junior and the range of cases spans solicitors, barristers and conveyancing executives, including claims against solicitors acting as trustees and executors.

Ben is recognised for his innovative strategic approach to claims, and in particular his identification of case management and procedural angles that benefit the case strategy.

- With Justin Fenwick QC, Ben acted for the claimants in *Harding Homes v. Bircham Dyson Bell* [2015] EWHC 3329 (Ch). This raised issues of the scope of a solicitor's duty in a commercial negotiation, and the loss of a chance to exploit a bargaining position.
- 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).
- Instructed in a claim against a barrister arising out of a disastrous door of court settlement.
- Particularly experienced in bringing strike out and summary judgment applications and in handling difficult amendments.
- Instructed as a junior in the Commercial Court group litigation following the collapse of The Accident Group and was latterly instructed in two similar, Commercial Court actions.
- Familiar with partnership issues, including those involving innocent partners facing claims arising out of the acts of a dishonest partner.
- 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.
- In *Kandola v. Mirza* [2015] EWHC 460 (Ch) (reported at [2015] PNLR 19), which was a conveyancing claim against a solicitor, the Judge commented upon Ben's "very able cross examination".
- Ben was formerly a co-editor of the *Strategy & Tactics* chapter of Simpson on Professional Liability.
- Instructed by a mediator in relation to alleged breach of confidence during a mediation.
- Acted for a firm of solicitors in a dispute arising out of its clients' sale of a business and a subsequent breach of warranty claim by the purchasers.
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Accountants and Auditors

Ben has a strong background in accountancy and audit claims and is able to call upon his financial experience at NM Rothschild & Son.

- As a junior, Ben was 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* [2015] EWHC 320 (Comm).
- Instructed in a claim against accountants who failed to implement the Whitewash procedure correctly.
- Instructed for accountants who were longstanding advisers to a farming family. The claim raised issues in relation to the underlying accountancy and the principal's role as professional trustee of the family trusts.
- Claims arising out of negligent tax advice, including foreign domicile issues.
- Disputes arising out of late submission and inadequate preparation of accounts and tax returns.
- Experienced in claims resulting from accountants' acting in corporate finance roles.

Construction Professionals

Ben enjoys the technical challenge presented by construction and engineering disputes. Examples of Ben's work in this area include:

- Instructed to take over a bitter dispute over the design and installation of a commercial kitchen.
- Multi-profession disputes, including designers and builders.
- Claim against building surveyor and building regulations consultant, involving issues of contributory fault, vicarious liability and remediation strategy.
- Defending an architect in relation to the design of a landmark "green" building project.
- Dispute over the design, construction and maintenance of common parts in a large residential development.
- Claims involving planning consultants and development proposals.

Valuers

Ben has wide experience of claims for and against valuers, land agents and estate agents. These often involve failed developments or overlapping disputes with legal or construction professionals. Ben has a particular eye for issues of reliance, causation and contributory fault. His cases have included:

- With Ben Hubble QC, acting for the Claimant lender in a very high value dispute arising out of the valuation of a nationwide portfolio of commercial properties. This case raised particular issues of the impact of a portfolio valuation on the "bracket".
- Numerous claims concerning overvaluations of residential, commercial and agricultural property.
- With David Halpern QC, £26 million mortgage fraud involving surveyors and various firms and solicitors. The surveyor (and some of the solicitors) were alleged to have conspired with the borrower.
- Claims involving the failure by a valuer to advise properly in relation to title defects.
- Claim against a letting agent for allegedly negligent due diligence on a prospective tenant.
- Claim against a valuer for fraudulent misdescription of a property in order to support an inflated valuation.

Financial Services Professionals

Having spent 3 years as a corporate financier at NM Rothschild, Ben has both interest in and experience of the City and financial regulation. Since coming to the Bar, Ben's caseload has covered a wide spectrum of financial services professionals, including tax advisers, IFAs, wealth managers and financial intermediaries. His cases have included:

- Acting for a family trust against tax advisers in relation to negligent structuring of offshore vehicles.
- Acting for the defendant fund administrator in a claim arising out of the Credit Crunch, where the property fund was suspended following liquidity issues.
- Claims arising out of negligent tax advice, including foreign domicile issues.
- Acting for claimants and defendant IFAs in disputes raising allegations of inadequate risk analysis or failure to advise as to risk.



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- Instructed for the fund intermediary in an alleged multi million pound Ponzi scheme involving investment in overseas property. This raises cross-border issues.
- Acting for and against pensions advisers in relation to allegedly unsuitable advice regarding transfers or structuring.

Brokers

Ben has considerable experience in insurance related disputes, including claims against brokers and those where the broker and the insurer are co-defending. His cases have included:

- Acting for the broker in a claim against the broker and insurer over the refusal to cover a claim arising out of an arson attack on an adult entertainment venue.
- Claims involving declinature on the basis of alleged non-disclosure.
- Claim against a broker connected with insurer's declinature for alleged breach of the duty of fair presentation.

Insurance and Reinsurance

Ben advises and is instructed as an advocate in relation to issues arising on insurance policies, as well as in respect of insurance disputes.

Recent instructions include a coverage dispute between a financial institution and its crime tower arising out of losses sustained in the Madoff fraud and a claim by a metal brokerage on its cargo policy following a Far East warehouse fraud.

As well as being instructed to act on behalf of insurers, Ben has been instructed by claimants in a number of disputes where insurers have refused to pay following damage or to agree to indemnify their customers following a claim. He has also been instructed to conduct paper arbitrations between insurer and insured, arising out of the construction of the policy and/or the conduct of a claim/defence.

Ben is well placed to act in claims relating to the Covid-19 situation, having recently been instructed in relation to its contractual and financial consequences following the cancellation of a large public event.

Ben has advised on the coverage effect of policy wording in relation to professional indemnity and general insurance policies, in particular in relation to the provisions which deal with when a claim is first made and which of more than one possible insurance policy respond to the claim in question. He has experience of cases involving alleged non-disclosure or allegations of breaches of the duties of good faith and fair presentation. He has also advised in Legal Expenses Insurance disputes.

Ben is also instructed in relation to claims against insurance brokers and subrogated recovery claims.

Commercial Chancery

Ben's interest in this area comes from having completed part of his pupillage at a leading commercial Chancery set. He has encountered 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.

Ben has established a reputation as a sought after junior in property work, and particularly claims involving mortgages. Reported cases include *Thompson v. Foy* [2010] 1 P&CR 16 (undue influence, proprietary estoppel, actual occupation, overriding interests). He has acted in 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.

Other cases include:



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- 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.
- Disputes over leasehold enfranchisement, suspected mortgage fraud, drafting of Wills and administration of estates.
- 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).
- 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.

Instructions in the traditional Chancery sphere have included:

- Claim arising out of an *ultra vires* transfer from a family trust (and the tax fallout therefrom)
- *Devastavit* claim arising out of the maladministration of an estate,
- Dispute over the common parts rights enjoyed by leaseholders in a residential development,
- Claim arising out of disputed rights of way and a claim arising out of ineffective succession planning.
- Instructed by the mortgagee in a claim brought by a third party asserting a right to redeem the mortgage (which is disputed by the mortgagor).
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Real Property

Ben's practice covers all aspects of real property work including:

- Overriding interests
- Co-ownership of land
- Undue influence
- Equitable interests in property including proprietary estoppel and subrogation
- Rights in and over land including restrictive covenants, easements and licences
- Land registration and conveyancing
- Priority
- Trusts of land and applications under the Trusts of Land and Appointment of Trustees Act 1996
- Boundary disputes
- Options over land
- Law of Property Act receiverships

Ben was involved at an early stage of the North East Property Buyers' litigation, which found its way to the Supreme Court. However, Ben secured a (successful) exit for his client at first instance.

Ben was the sole advocate for the successful bank in *Thompson v. Foy* [2010] 1 P&CR 16 (undue influence, proprietary estoppel, actual occupation, overriding interests) and has acted in 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.

Qualifications & Memberships

Memberships

- Chancery Bar Association
- Combar
- Professional Negligence Bar Association



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