

## Mark Cannon QC

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*His great tactical and commercial acumen keeps him ahead of the competition.*

- Legal 500

Head Of Chambers

**Described in the directories as "superb", "extremely solid and punchy" and "technically excellent", Mark Cannon QC 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", "off-the-charts clever" "not only charming and friendly, he has an almost encyclopaedic knowledge of complex areas of law which he applies in a way that is easy to understand", "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", "bright, erudite and incisive", "off-the-charts clever".

**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", "phenomenally clever, with practical and commercial sense as well", "his opinion is well respected by his peers and holds weight in any negotiation".

**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; 2nd edition 2016) and has been an editor of Jackson & Powell on Professional Liability (Sweet & Maxwell; 2017; 8th 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, Teubar and the Western Circuit. Mark is also a member of the Bar of Northern Ireland.

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## Areas of Expertise

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### Insurance & Reinsurance

**“A truly impressive silk.”** – *Legal 500, 2021*

**“He is superb.” “Very responsive.”** – *Chambers & Partners, 2020*

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 and the Legal 500. Comments include:

- “his advice is very highly respected by clients.” “An insurance disputes heavyweight.” “A walking encyclopaedia on insurance.”
- “a phenomenal brain, able to cut through the most complicated issues with ease”
- “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”
- “bright, erudite and incisive”
- “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 a wide range of insurance and reinsurance cover.

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. Recently that has included coverage issues in the wake of the Grenfell Tower fire.

His knowledge and experience of business interruption insurance, as well as of insurance law more generally, means that Mark is well placed to advise insurers and insureds about the issues which have arisen during the Covid-19 pandemic and lockdown.

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.



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## Cases

- **Impact Funding Solutions Ltd v. Barrington Support Services Ltd (formerly Lawyers at Work Ltd)**  
Mark appeared for the successful appellant in the Supreme Court in this case which clarifies both the approach to clauses in insurance policies which define cover by excluding areas of liability and, more specifically, the scope of the exclusion for trading debts and liabilities in the Solicitors' Minimum Terms.
- **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.
- **Claim against an auditor**  
Acting for the insured in a claim against insurers concerning damage to goods in the Middle East.
- **McManus v. European Risk Insurance Co hf**  
Block notifications and declaratory relief.
- **Sutherland Professional Funding Ltd v. Bakewells (A firm)**  
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**  
Acting for insurers on fire claim; defence of breach of warranty.
- **Acting for insurer**  
Acting for insurers in an arbitration as to whether they or later insurers are on risk for a number of claims against the insured.
- **Dedames v. National Farmers' Union Mutual Insurance Society Ltd**  
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).
- **Tesco Stores Ltd v. Constable**  
Acting for an insured on a coverage dispute under a public liability policy in respect of a major construction project.
- **Claim against an auditor**  
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.
- **A v B**  
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.

## Qualifications & Memberships

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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.

## Insights

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### **Nesbit Law Group LLP v Acasta European Insurance Company Limited [2018] EWCA Civ 268**



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1 March 2018

In *Nesbit Law Group LLP* the Court of Appeal had to determine the proper construction of an exclusion clause in a series of Fidelity Guarantee Indemnity policies and whether the insurer should be permitted to amend its defence (the application having been made weeks before the hearing of the appeal) to allege various breaches of a loan agreement by insured which breaches were necessary for the insured to be caught by the exclusion clause.

### **Editor of Jackson & Powell on Professional Liability (8th Edition)**

1 December 2016

### **Cannon & McGurk on Professional Indemnity Insurance**

18 February 2016

Author