

## Mark Cullen

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*A powerful advocate who is always attuned to the judge's thinking. He has sound judgement, is calm under pressure and inspires confidence*

- Legal 500

**Mark Cullen specialises in commercial litigation, with a particular focus on civil fraud, offshore work and professional liability claims in a commercial context.**

Mark was admitted as an Attorney at Law in the Cayman Islands in 2018 and as a Barrister of the Eastern Caribbean Supreme Court (British Virgin Islands) in 2017. Mark has significant experience of working in the Cayman Islands, the British Virgin Islands and the Isle of Man.

Mark's previous experience includes working as the Judicial Assistant to Lord Justice Maurice Kay, then the Vice-President of the Court of Appeal (Civil Division). During this time, Mark was involved in a number of high profile cases and gained an invaluable insight into the appellate process.

Mark holds a M.A. in Law and a first class LL.M. from Jesus College, University of Cambridge, where he was awarded a Foundation Scholarship. He was called to the Bar by Inner Temple in 2013, having been awarded a Major Scholarship and Duke of Edinburgh Entrance Award for his BPTC year.

For examples of Mark's ongoing and previous work, please see the individual practice areas below.

### Privacy Policy

Click here for a [Privacy Policy](#) for Mark Cullen.

## Areas of Expertise

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### Professional Liability

Mark is ranked as a Leading Junior for professional negligence work in the Legal 500: *"His advice is comprehensive and clear, which demonstrates significant attention to detail and a deep rooted understanding of the complex issues."*

He was previously recognised as a "Rising Star" and described as *"A powerful advocate who is always attuned to the judge's thinking. He has sound judgement, is calm under pressure and inspires confidence."*

Mark has significant experience of acting for and against professionals in a range of high value, complex and sensitive cases, with



particular expertise in relation to claims against lawyers, directors and fund managers. Mark has particular expertise in professional liability claims arising in an offshore or international context and fraud claims against professionals.

## Cases

- **Maggistro-Contenta v Jury O’Shea LLP**  
Mark acted (led by Jamie Smith QC) in a £10 million claim arising out of the conduct of the financial affairs of Giacomino Maggistro-Contenta after his death. The Court refused the Claimant’s application for an extension of time for service of the particulars of claim and granted the Defendants’ application that the Court had no jurisdiction to try the claim: [2019] EWHC 3035 (Ch).
- **Accident Exchange v McLean & Ors**  
Mark acted (led by Jamie Smith QC and Miles Harris) for two of the solicitor defendants to a £130 million unlawful means conspiracy claim brought by Accident Exchange arising out of the conduct of thousands of “credit hire” cases. The claim spawned large numbers of interlocutory disputes, including Accident Exchange v McLean & Ors [2018] 4 W.L.R. 26 (in which the Commercial Court rejected the claim that the “iniquity” exception applied so as to disapply privilege) and Accident Exchange v McLean & Ors [2018] EWHC 1533 (Comm) (in which the Commercial Court granted the solicitor defendants’ applications for security for costs).
- **Claim against a fund manager**  
Acting (led by Graham Chapman QC) in a £15m claim against a fund manager arising out of the collapse of an offshore collective investment scheme.
- **Penta v Storrier**  
Acted (led by Neil Hext QC) in a claim against a director arising out of the alleged significant financial mismanagement of companies (see [2020] EWHC 2400 (Ch)).
- **R5 Capital Ltd v Mitheridge Capital Management LLP**  
Acting (led by Graham Chapman QC) in a claim against an investment manager relating to the payment of success fees.
- **Claim against a security company**  
Mark acted (led by Ben Hubble QC) for a security company in a claim arising out of an alleged £1.5m theft.
- **Contribution claim against accountants**  
Mark acted as sole counsel for a company in a £1 million contribution claim against accountants.
- **Claim against valuers relating to a failed tax scheme**  
Mark acted (led by Jamie Smith QC and Tim Chelmick) in a claim arising out of the valuation of a technology business for the purposes of a tax scheme.
- **Fraud claim against solicitor defendants**  
Mark acted (led by Alex Hall Taylor) in a Commercial Court claim in deceit, conspiracy, dishonest assistance and for the return of secret commissions.

## Qualifications & Memberships

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### Education:

M.A. (Cantab) LL.M. (Cantab)

### Bar Admissions:



England and Wales: 2013

British Virgin Islands: 2017

Cayman Islands: 2018

### **Memberships:**

Commercial Bar Association

Commercial Fraud Lawyers Association

Professional Negligence Bar Association

Technology and Construction Bar Association

Young International Arbitration Group

## **Insights**

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### **The COVID-19 challenge: insurance coverage in the time of lock-down**

1 April 2020

In this article written for Thomson Reuters Practical Law, Neil Hext QC and Mark Cullen of 4 New Square provide guidance on the main types of insurance cover that are potentially relevant in relation to losses resulting from COVID-19. In particular, they consider whether insurance cover might be available under business interruption, event cancellation, employer's liability, D&O, credit and travel insurance policies.

### **Case Note on Ocean Finance & Mortgages Limited v Oval Insurance Broking Limited and Senior Wright Limited, Publication: Insurance Law London**

2 February 2016

In this judgment, Mr Justice Cooke had to determine the comparative responsibility of placing and producing brokers for failing to advise an insured to make a "block notification" of "circumstances that may give rise to a claim" against a backdrop of PPI mis-selling.

### **Soland v Clifford Harris: warehousing litigation an abuse of process, Publication: Practical Law Dispute Resolution Blog**

22 December 2015

The judgment of Arnold J in *Solland v Clifford Harris* highlights that unilaterally "warehousing" a claim (that is, putting a claim on hold without intending to pursue it) can amount to an abuse of process, even if a claimant subsequently decides to pursue the claim.

### **Case Note on Luffeorm Limited v Kitsons LLP, Publication: Professional Negligence Bar Association Newsletter**

8 October 2015

The Claimant brought professional negligence proceedings against a firm of solicitors who had acted on its behalf in a transaction involving the purchase of a pub business. The case contains an unorthodox analysis of the burden of proof, and considers once again the challenging boundary line between commercial and legal advice. PNBA membership required.

### **Procedural Fairness in an Information Rights Context, Judicial Review, 20:1, 26-32**

1 June 2015

Considers (with Tom Pascoe, Brick Court Chambers) the tension between fairness and reliance on closed material in the information rights context.