

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

Insurance

Mark has experience of a range of insurance disputes, including coverage disputes.

Mark has recently co-authored (with Neil Hext QC) an article for Practical Law on the main types of insurance cover that are potentially relevant in relation to losses arising from COVID-19, in particular relating to business interruption, event cancellation, employer's liability, D & O, credit and travel insurance policies.

Mark was part of the COMBAR Working Group looking at the impact of Brexit on commercial insurance (with Leigh-Ann



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Mulcahy QC and Ben Lynch QC).

Cases

- **Catlin Syndicate Limited & Ors v Amec Foster Wheeler USA Corp & Ors**
Mark acted (led by Roger Stewart QC and George Spalton) in proceedings relating to insurers' alleged failure to pay defence costs in respect of high value litigation against the defendants in the US.
- **Cape Distribution Limited v Cape Intermediate Holdings Limited**
Junior counsel to Justin Fenwick QC and Leigh-Ann Mulachy QC in proceedings relating to the circumstances in which a subrogated claim can be brought by an insurer of a subsidiary against a parent company.
- **Claim against insurer and insurance broker**
Sole counsel acting for a policyholder in a claim against an insurer for failing to indemnify the policyholder and a claim against a broker for acting in breach of contract and/or negligently in arranging the insurance.
- **Claim against insurance company arising out of declinature**
Mark acted as sole counsel for an insurance company which had declined cover for a claim arising out of the misappropriation of assets in an offshore context.
- **Claim against insurance broker**
Advising a company in relation to coverage issues in the context of a claim against an insurance broker for failing to procure adequate cover.

Qualifications & Memberships

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

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 Soland 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.