



NEW SQUARE

Nicole Sandells QC

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Intellectually extremely bright and knowledgeable on the law and procedure.

- Legal 500

Nicole Sandells QC joined Chambers in 2002 having developed a successful practice at the Chancery commercial bar.

The majority of her work falls within the general categories of Chancery, commercial dispute resolution and related professional liability, with a special emphasis on civil fraud and recoveries (both on and offshore), banking, trusts, property, and mortgage litigation.

Described as '*a mega-brain, with encyclopaedic legal knowledge and the ability to cut through complex legal issues with ease*', and '*a master tactician who is exceptionally bright and has a fantastic ability to condense significant evidential information*', Nicole is recognised as a Leading Silk for her Professional Negligence work.

In recent years Nicole has been involved in a number of high profile civil fraud and mortgage fraud related cases, including the *North East Property Buyers* litigation in the Court of Appeal and the Supreme Court (as *Scott v Southern Pacific*), where Nicole represented the successful lenders in a case with significant ramifications for the law of equitable and proprietary interests in land. Nicole's success for the Bank in the Court of Appeal in *Lloyds Bank v Markandan & Uddin* sparked a succession of cases pushing the boundaries of equity and trust law as a means of asserting beneficial ownership and recovering assets, culminating in a successful Supreme Court appearance representing the defendant solicitor in the follow up case *AIB v Redler & Co*. Nicole was also involved in the *Innovator (Brown v InnovatorOne)* and *Gaydamak v Leviev* appeals in the Court of Appeal, having been brought in to both cases for her equity and trusts expertise. Her most recent Supreme Court case, *Swynson v Lowick Rose*, drew on her extensive unjust enrichment and subrogation expertise. Success in that case has helped to define the boundaries of equitable subrogation, restitution and unjust enrichment.

As can be seen from her list of cases, Nicole is never happier than when tackling complex and difficult points of law, and relishes appellate advocacy. She enjoys finding novel ways to trace or defend assets and assert beneficial ownership, adapting traditional trust and equity principles to commercial situations. She has been involved in litigation, in England and internationally, seeking variously to recover and to defend assets for the liquidators of several failed Caribbean institutions, including appearing before the Court of Appeal of the Eastern Caribbean Supreme Court in Antigua. Nicole is currently instructed to appear as lead counsel in asset tracing litigation in several jurisdictions dealing with breach of trust, breach of fiduciary duty, restitution, tracing and the principles of accessory liability. Nicole is admitted to the BVI Bar.

Nicole's innovation, expertise and reputation is such that her cases often settle to her clients' satisfaction, even on complex and novel points of law, long before trial. Notable examples in the recent past include two multi-million pound fraud cases involving allegations of professional involvement by way of breach of fiduciary duty and trust, and professional accessory liability for knowing assistance. In both cases Nicole's clients obtained 6 figure settlements beyond expectations.

Privacy Policy

Click here for a [Privacy Policy](#) for Nicole Sandells QC.

Areas of Expertise

Mortgages

Nicole:

- is recognised by a significant number of lenders and their in-house and panel solicitors as a leading junior in the field of mortgage-related litigation.
- regularly acts on behalf of clients ranging from high street banks and building societies to foreign banks and sub-prime lenders at all levels from the County Court to the Supreme Court. Recently she has represented two of the successful banks in the Supreme Court in the *North East Property Buyers* litigation, *Scott v Southern Pacific* (managed litigation concerning overriding interests, equities and priority in sale and rent back transactions, re-visiting *Abbey National v Cann*). She has also been successful in the Court of Appeal in *Bank of Scotland v Joseph, Lloyds TSB Bank plc v Markandan & Uddin*, and in the High Court in *Garwood v Bank of Scotland*. Judgment is awaited in the Supreme Court in *AIB v Redler* (concerning breach of trust by solicitors in mortgage transactions and the appropriate equitable remedies to be applied, re-visiting *Target Holdings v Redfems*) where Nicole represented the Respondent solicitor.
- has an appellate practice stretching back to appearances in the House of Lords for the successful lender in *Bradford & Bingley v Rashid* and in the Court of Appeal in cases such as *National Westminster Bank v Ashe* and *Halifax v Taffs*.
- has particular experience litigating cases raising fraud, priorities, equities and equitable remedies issues, including subrogation, on behalf of lenders. In addition to the cases set out above, she represented the successful lenders in *Cheval Bridging Finance v Hastings*, in *Mortgage Express v. Filby* and in *Mortgage Agency Services (No 2) Ltd v. Chater*, all in the Court of Appeal.

Cases

- **North East Property Buyers Litigation**
Scott v Southern Pacific: managed litigation concerning overriding interests, equities and priority in sale and rent back transactions, re-visiting *Abbey National v Cann*
- **Bank of Scotland v Joseph**
- **Lloyds TSB v Markandan & Uddin**
- **Garwood v Bank of Scotland**
- **AIB Group (UK) plc v Mark Redler & Co**
Concerning breach of trust by solicitors in mortgage transactions and the appropriate equitable remedies to be applied, re-visiting *Target Holdings v Redfems*. Nicole represented the Respondent solicitor.
- **Bradford & Bingley plc (Appellants) v. Rashid**
- **National Westminster Bank Plc v Ashe**



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- **Cheval Bridging Finance v Hastings**
Acted for the successful lender in the Court of Appeal
- **Eileen Joan Rosina Filby v. Mortgage Express (No2) Ltd**
Acted for the successful lender in the Court of Appeal
- **Mortgage Agency Services (No 2) Ltd v. Chater**
Acted for the successful lender in the Court of Appeal

Qualifications & Memberships

Nicole is a member of the Chancery Bar Association, the Professional Negligence Bar Association, COMBAR and the London Common Law & Commercial Bar Association

Education – B.A. (Oxon) (First Class)

Languages – French and Spanish

Insights

P&P Property Limited v Owen White & Catlin, LLP Dreamvar (UK) Limited v Mishcon de Reya [2016] EWCA Civ. 1082

23 May 2018

Dreamvar - revolution or reprise? Has anything really changed? by Nicole Sandells QC and Nick Broomfield of 4 New Square.