



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

Professional Liability

“She immerses herself in the case and always brings insight to the matter.” – *Legal 500, 2020 (Professional Negligence)*.

“She is exceptionally bright and a ferocious advocate. She gives tactical advice and is a pleasure to work with. Clients speak extremely highly of her.” “If you want someone to think outside of the box and really come up with an innovative position, then she’s an excellent choice.” – *Chambers & Partners, 2020 (Professional Negligence)*.

“She is a mega-brain, with encyclopaedic legal knowledge and the ability to cut through complex legal issues with ease.” – *Legal 500, 2019 (Professional Negligence)*.

The majority of Nicole’s professional liability work is related to the general categories of Chancery and commercial dispute resolution. Nicole has broad experience not only in direct professional liability claims, but also in underlying actions brought to correct or mitigate alleged errors. Most recently she represented the defendant solicitor in *AIB v Redler* in the Supreme Court and the successful bank in *Lloyds Bank v Markandan & Uddin* in the Court of Appeal. She is never happier than when tackling complex and difficult points of law, or pursuing novel or unusual solutions to professional liability problems. Nicole has recently settled a number of multi-million pound claims involving alleged fraud and deceit by valuers, breach of fiduciary duty by solicitors, and accessory liability/knowing assistance involving solicitors.

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

Cases

- **AIB Group (UK) plc v Mark Redler & Co**
Represented the defendant solicitor in the Supreme Court
- **Lloyds TSB v Markandan & Uddin**
Acted for the successful bank in the Court of Appeal

Accountants, Auditors & Actuaries

Nicole has experience of:

- acting for and against accountants on allegations of negligent tax advice, company valuations, due diligence reports, accounts provision, audit services and company formation and secretarial services
- dealing with conflict of interest and breach of fiduciary duty claims and claims involving breach of ACCA codes, including the Code of Ethics
- acting for and against accountants and financial service professionals in claims relating to breaches of their duties as trustees of wills, trusts and/or settlements
- representing accountants in claims relating to alleged breaches of duty while acting as administrators, in both “old-style” and “new-style” administrations
- claims concerning alleged breach of the International Standards on Auditing, including multi-million pound cross-jurisdictional auditors’ negligence claims
- accountants’ and auditors’ negligence claims arising from major Ponzi schemes or pyramid frauds and the consequent failure of international banks and insurance companies.



Nicole acted for Lowick Rose in the court of Appeal in *Swynson v Lowick Rose LLP* [2016] 1 W.L.R. 1045 and is instructed to represent them in the Supreme Court in November 2016.

Cases

- **Swynson v Lowick Rose LLP**
Successfully acted for Lowick Rose in the Supreme Court

Construction Professionals

Nicole has experience acting for and against construction professionals in a wide variety of construction related disputes ranging from failure properly to damp proof domestic residences to claims for failing to advise properly as to planning issues for proposed residential development.

Financial Services Professionals

Nicole has experience:

- acting for and against defendants on allegations of negligent tax advice, financial planning, pension and investment advice
- acting for and against financial advisers regarding advice given on the investment of trust funds
- acting for and against accountants and financial service professionals in claims relating to breaches of their duties as trustees of wills, trusts and/or settlements.

Lawyers

Nicole has wide-ranging experience of solicitors' and barristers' negligence, fraud and breach of trust claims, for and against defendants, including:

- loss of litigation
- property-related disputes, including conveyancing errors and title rectification issues
- claims related to wills, trusts, inheritance planning and lasting and enduring powers of attorney
- claims arising out of trusteeships, executorships and attorneyships
- claims arising out of Court of Protection receiverships or deputyships
- breach of trust claims in the context of mortgage fraud and more widely
- defences under section 61 of the Trustee Act 1925
- accessory liability

Most recently Nicole has acted for the Claimant bank in *Lloyds TSB v Markandan & Uddin*, and for the Defendant solicitor in *AIB v Redler*. Nicole also advises defendants and claimants with regard to coverage issues and disputes, and advises claimants with regard to claims on the Law Society Compensation Fund. Nicole's practice also covers the underlying corrective litigation required to limit the liability of defaulting professionals, such as construction or rectification actions and the enforcement of equitable interests in land – see for example, Nicole's successful arguments in *Re J (Enduring Power of Attorney)* and *North East Property Buyers*.

Cases

- **Lloyds TSB v Markandan & Uddin**
Nicole acted for the claimant bank
- **AIB Group (UK) plc v Mark Redler & Co**
Acted for the defendant solicitor
- **Re J (Enduring Power of Attorney)**



- North East Property Buyers Litigation

Surveyors & Valuers

Nicole has broad experience acting mainly against surveyors and valuers, often in mortgage-related actions. In addition to the more usual negligence claims, Nicole has recently settled a multi-million pound surveyors' fraud claim concerning fraudulent valuations provided in back to back sale transactions.

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.