

Paul Mitchell QC

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“A brilliant advocate. Very tenacious but clear thinking... He gives very robust advice and is prepared to think out of the box.”

- Chambers & Partners

Paul Mitchell has a chancery/ commercial practice, with particular specialities in claims involving the liability of professionals, especially solicitors and barristers, accountants, tax advisers, fund managers and surveyors; disputes regarding professional indemnity insurance; claims arising from the economic torts, notably malicious prosecution of earlier claims and conspiracy; and claims arising from and in connection with the conduct or effect generally of earlier litigation (e.g., wasted costs applications, loss of chance claims). He acts in a broad variety of general commercial claims, frequently where some problem has arisen, either from the facts of the case or the way it is being handled, that needs a creative solution to break a deadlock. Paul is also regularly instructed to deal with costs issues arising out of high value Commercial disputes.

Paul is particularly sought out for cases requiring an imaginative leap of analysis. He is a good team player and leader whose calm approach under pressure is often commented upon. His advocacy is seen as good humoured, courageous and very effective. His strong academic background and intellectual curiosity make him particularly effective in the testing of expert evidence ranging from company and property valuations to foreign law.

His clients say that he *“often pulls things out of the hat”* *“you can ring him up and he will give you really good advice on very difficult points. He is fantastic and really commercial”*. *“I will take him work on things that are likely to go to trial”* *“He is extremely bright, clear, concise, commercially astute and to top it all – a lovely guy to deal with”*. *“He is very strong on tactics and strategy and a great team player.”*

Paul’s recent work includes:

- Acting for the successful defendants to the first case in English legal history of alleged malicious prosecution of civil proceedings since the recognition of the tort in 2016
- Acting for claimant suing offshore corporate trustees and various other parties in connection with multi-million pound thefts from the trust fund
- Acting for claimant in complex claim against fund manager arising from FM’s investment strategy
- Acting for defendant solicitors in claim brought by commercial lender against various parties relating to the granting of charges and the conduct of subsequent litigation
- Advising in connection with very substantial professional negligence action founded on conduct of widely-reported earlier



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litigation

- Acting for various claimants against tax advisers and accountants in relation to losses flowing from offshore tax planning scheme
- Acting for defendant tax advisers in claim brought by former client alleging negligent tax advice in respect of the settling of an offshore trust
- Acting for African company seeking to bring conspiracy claim against English company arising from the awarding of certain licenses
- Acting for the French employees of Marks & Spencer France Limited in a claim against the company brought in England but suing on rights arising under French law
- Retained by offshore firm to assist Cypriot-registered claimant in multi-million pound claim against Manx company;
- Retained by Singaporean firm to assist the respondent to an appeal in Singapore's first case of alleged malicious prosecution of civil proceedings
- Acting for defendant Iranian businessman in fraud claim brought by an Iranian state-owned oil industry company

Recent reported cases include:

- *Willers v Joyce & Nugent* [2018] EWHC 3424 (Ch)
- *Financial Conduct Authority v Da Vinci Invest Ltd* [2018] EWHC 3789 (Ch)
- *Williams v HCB Solicitors Ltd* [2017] EWCA Civ 38
- *Bank of Ireland v Watts Group Plc* [2017] EWHC 1667 (TCC), [2017] TCLR 7, 173 Con LR 240;
- *Bank of Ireland v Watts Group Plc* [2017] EWHC 2472 (TCC), [2017] BLR 626, 174 Con LR 84, [2017] Costs LR 899
- *Financial Conduct Authority v Da Vinci Invest Ltd* [2017] EWHC 2220 (Ch)
- *Willers v Joyce & Nugent* [2016] UKSC 43, [2016] 3 WLR 477, [2017] 2 All ER 372
- *Willers v Joyce & Nugent* (Practice: precedent) [2016] UKSC 44, [2016] 3 WLR 534, [2017] 2 All ER 383
- *LSREF III Wight Limited v Gateley LLP* [2016] EWCA Civ 359, [2016] PNLR 21
- *Healey v Shoosmiths* [2016] EWHC 1723 (QB)

Recent quotes from the Directories include:

"My chosen counsel because of the depth of his experience – he's a polymath, has excellent investigation skills and has an interest in legal history, which helped in this case." "Incredibly easy to deal with, exceptionally bright and knowledgeable and a very effective negotiator." Chambers UK 2021

"Utterly charming with the mind of an arch-strategist. Exceptionally good at dealing with a very complicated set of facts and issues and magically making the case look simple and straightforward." Legal 500 2021



“Very personable, gets to the nub of the issue quickly and doesn’t fuff around the edges. He’s incredibly calm and cool as an advocate.” “Very bright and becomes part of the team.” Chambers UK 2019

“A brilliant advocate. Very tenacious but clear thinking. He set out sensibly and clearly a technically secure, well-thought-out, compelling piece of advocacy. He gives very robust advice and is prepared to think out of the box.” Chambers UK 2018

“A very good advocate, who is able to hammer home the strong points of case.” Legal 500 2017

“Charming and incisive, with a real knack for thinking on his feet.” “Phenomenally bright and the advice that he provides is very commercial.” Chambers UK 2017

“He unfailingly gets the answer right and is incredibly easy to get on with.” Legal 500 2016

“He makes light work of hard cases and is excellent on his feet. He is a delight to work with and is very good at coming up with pragmatic solutions.” “His main strengths are his attention to detail, legal knowledge and interpersonal skills.” Chambers UK 2016

“He delivers clear advice, is commercially aware, and has strong personal and diplomatic skills.” Legal 500 2015

Privacy Policy

Click here for a **Privacy Policy** for Paul Mitchell QC.

Areas of Expertise

Commercial Law

Paul acts in a wide variety of commercial disputes, both in England and offshore. He has particular experience of freezing injunctions, shareholder disputes, company valuation disputes, professional negligence claims (in particular against lawyers and tax advisers) and fraud (alleged Ponzi schemes, SDLT avoidance schemes, money laundering and sanctions avoidance schemes). He speaks Russian, Italian, French and Farsi has a particular interest in cases with connections to countries where those languages are spoken.

Paul has a growing practice involving claims about claims: where a party alleges that his or her opponent in earlier litigation brought that litigation maliciously and without reasonable and probable cause; and/ or that the earlier litigation was an abuse of process on the basis that it was brought for a collateral purpose to obtaining the relief claimed in the pleadings. Paul is particularly well-placed to advise on such claims following *Willers v Joyce* [2016] UKSC 43, a case in which he remains instructed. He has also provided advice and assistance in relation to malicious prosecution claims overseas.

Paul has assisted in the resolution of several family disputes over money where, regardless of the pleaded causes of action, the dispute has been far more concerned with powerful emotions such as betrayal, pride and the desire for vengeance.

Paul is experienced in claims arising from the sale at auction of works of art, mainly involving allegations of misrepresentation but he also has experience of the ecclesiastical law of faculties, having represented an art dealer before the Chancellor of the Diocese of Gloucester in the Consistory Court in connection with a painting acquired at auction in the absence of a faculty.

He advises regularly in connection with litigation on the Isle of Man, including at present a claim made by one of the world’s largest property companies and involving litigation being conducted across several jurisdictions as well as various pieces of litigation arising from a family dispute. He is instructed to advise in a major and high-profile piece of litigation on foot in Singapore; and has recently represented the Works Council of Marks & Spencer France in an action against that company arising from its decision to make its entire workforce redundant. He has recently been advising in connection with a significant potential investor-state arbitration.

Cases

- Willers v Joyce & Nugent [2016] UKSC 43, [2016] UKSC 44 (with Bernard Livesey QC)
- Healey & Anor v Shoosmiths [2016] EWHC 1723 (with Imran Benson)
- Swain v (1) Swains (2) Kirby (3) Berry [2015] EWHC 660 (Ch); [2015] EWHC 1183 (Ch); [2015] EWHC 2585 (Ch).
- Bank of Scotland v Watson [2013] EWCA Civ 6
- Eminence v Heaney [2010] EWCA Civ 1168, [2011] 2 All ER (Comm) 223 (with Bernard Livesey QC)
- Wave v Batra [2008] EWHC 1014 (QB); [2008] EWCA Civ 914

Qualifications & Memberships

Paul is an executive committee member of the Professional Negligence Bar Association. He is also member of the Russia CIS Arbitration Network, RusFor, and the British Ukrainian Law Association.

Before coming to the Bar, Paul read Oriental Studies at King's College, Cambridge, graduating with a First in 1990. He then studied for an MA in Middle Eastern politics, law and economics at the School of Oriental and African Studies before returning to Cambridge for his PhD in the life and works of a twentieth-century Iranian poet.

Languages: Farsi, French, Italian, Russian, Spanish. In 2010 he was editor and co-translator into English of the Catalan novel "Stone in a Landslide", one of Peirene Press's first publications.

Paul has two daughters.

Insights

Expert Evidence on Share Valuations: When to use hot tubbing in unfair prejudice petitions

22 July 2019

A critical part of any unfair prejudice petition is the valuation of the minority shareholding. Paul Mitchell QC and Nigel Burroughs of 4 New Square were counsel on different sides in Swain v Swains Plc, a case in which the expert share valuation evidence was taken concurrently. They look at the pros and cons of hot tubbing, and offer practical advice on how to approach the way experts should give their evidence.

Civil liability of non-medical professionals for personal data breaches

4 May 2018

Civil liability of non-medical professionals for personal data breaches. Will the new rules alter the traditional relationship between professional and client as the balance of power over personal data shifts in favour of the client? Paul Mitchell QC, Stephen Innes and Helen Evans examine:

Professionals, their regulators and personal data breaches: who is in charge of policing the



GDPR?

1 May 2018

The spotlight on the consequences for professionals of data or confidentiality breaches will only intensify once the GDPR comes into force. Paul Mitchell QC, Stephen Innes and Helen Evans of 4 New Square examine what those consequences are likely to be from a professional regulatory perspective.