

OUR PEOPLE

Mark Cullen

CALL 2013

LEGAL 500

“Mark is a brilliant junior. Keen, energetic with a first rate intellect and unmatched knowledge of law and procedure. He is a joy to work with and an invaluable member of any team.”



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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, after having been called to the Bar in England and Wales in 2013.

He is recognised as a Leading Junior for Civil Fraud, Offshore and Professional Negligence work. He is described as someone who is “*very calm under pressure and a real team player. He is unflappable and always adds value*” (Legal 500: Civil Fraud); “*An impressive junior with experience beyond his seniority in offshore work*” (Legal 500: The English Bar Offshore); and “*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: Professional Negligence).

Mark has appeared in a broad range of commercial cases in the Commercial Court and Chancery Division in London, as well as in the Court of Appeal of England and Wales. He also has significant experience of litigation in the Cayman Islands, the BVI, Antigua and the Isle of Man (amongst other jurisdictions), both at first instance and on appeal.

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. Mark was awarded a Major Scholarship by Inner Temple and a 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.

Expertise

Civil Fraud

“Mark is very calm under pressure and a real team player. He is unflappable and always adds value” – Legal 500 (2024)

Mark is recognised as a leading junior for civil fraud work. He has significant experience of high value and complex claims, often involving worldwide freezing orders, search orders, and more recently issues relating to the impact of Russian sanctions.

Reflecting his broader practice, Mark is particularly sought after for cases with an international or offshore dimension.

Featured Civil Fraud cases

- *Magomedov and others v TPG Group Holdings (SBS), LP and others* (Commercial Court)- acting (led by Justin Fenwick KC and Tim Chelmick) for one of the defendants to a US\$ 14 billion claim for conspiracy which is alleged to be politically motivated, including successfully resisting an application for injunctive relief: [2023] EWHC 2655 (Comm) (without prejudice to challenge to jurisdiction and service out).
- *Vneshprombank LLC v Georgy Bedzhamov & Ors* (Chancery Division)- acting (led by Justin Fenwick KC) for Georgy Bedzhamov in strongly contested proceedings brought by a Russian bank in liquidation for alleged fraud, seeking damages of over £1 billion, including in respect of issues arising in respect of a WFO: see [2023] EWHC 1459 (Ch) and [2022] EWHC 1166 (Ch), a search order: [2021] EWHC 1360 (Ch), and in relation to the impact of sanctions: see [2022] EWCA Civ 854 and [2022] EWHC 101 (Ch).
- *Kireeva v Bedzhamov* (Chancery Division); acting (led by Justin Fenwick KC) for Georgy Bedzhamov in proceedings brought by his Russian trustee in bankruptcy: see [2023] EWHC 348 (Ch); [2023] EWHC 1459 (Ch); [2022] EWHC 2676 (Ch) and [2022] EWHC 1047 (Ch).
- *Grantham Capital Ltd v Langham & Ors* (Commercial Court); acting (led by Matthew Bradley KC) for the defendants to a claim for fraudulent misrepresentation and unlawful means conspiracy arising out of a share purchase agreement relating to the sale of a company.
- *Unfair prejudice and unlawful means conspiracy claim* (BVI Commercial Court); acting (led by Daniel Saoul KC) in an unfair prejudice and unlawful means conspiracy claim arising out of a substantial fraud.
- *Accident Exchange v McLean & Ors* (Commercial Court); acting (led by Jamie Smith KC and Miles Harris) for two of the defendants to a £130 million claim for unlawful means conspiracy claim and deceit. The claim spawned large numbers of interlocutory disputes: see [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 [2018] EWHC 1533 (Comm) (in relation to security for costs).
- *Claim against director arising out of secret commission*; acting as sole counsel for a company in a claim against its former managing director arising out of the payment and receipt of secret commissions.
- *Fraud claim against solicitor defendants* (Commercial Court); acting (led by Alex Hall Taylor KC) in a claim for deceit, conspiracy, dishonest assistance and for the return of secret commissions.

Offshore work

“Mark is a brilliant junior. Keen, energetic with a first rate intellect and unmatched knowledge of law and procedure. He is a joy to work with and an invaluable member of any team” – Legal 500, The English Bar Offshore (2024)

“Mark has an excellent work ethic and thinks deeply about the legal and commercial problems he is presented with. He has a

very strong academic background, but refreshingly is focused on practical solutions. His knowledge of private international law is particularly useful for offshore work, and he also has a formidable command of areas of law that are always relevant to offshore disputes” – Legal 500 Caribbean, The English Bar Offshore (2023)

He was previously recognised by the Legal 500 as a “Rising star” for offshore work and described as “**An impressive junior with experience beyond his seniority in offshore work.**”

Mark has a significant offshore practice, particularly for his year of call, with notable experience of litigating in the Cayman Islands, the BVI and the Isle of Man. He 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 appeared as sole and junior counsel in the BVI Commercial Court and as junior counsel in the Financial Services Division of the Grand Court of the Cayman Islands. He also has experience of appeals in the BVI and the Isle of Man.

Reflecting his broader practice, he has particular expertise of claims involving allegations of civil fraud and offshore claims against professionals. He also has experience of shareholder disputes and contentious insolvency matters.

Featured Offshore cases

- *Unfair prejudice and oppression claim*; acting (led by Justin Fenwick KC) in a high value offshore shareholder dispute.
- *Fraudulent trading claim*; acting (led by Graham Chapman KC) for the claimants in a very high value fraudulent trading claim.
- *Claim against a fund manager*; acting (led by Graham Chapman KC) for a fund manager in a significant and long-running claim arising out of the collapse of an offshore collective investment scheme.
- *Unfair prejudice and unlawful means conspiracy claim*; acting (led by Daniel Saoul KC) in an unfair prejudice and unlawful means conspiracy claim in the BVI Commercial Court arising out of a substantial fraud.
- *Comodo Holdings Ltd v Renaissance Ventures Ltd & Anr*; acting (led by Paul Chaisty KC and Mark Forte) in an application for injunctive relief in a shareholder dispute in the BVI Commercial Court.
- *Hitomi Matsuura v A & S Company Limited*; acting (led by Alain Choo-Choy KC and Jerry Samuel) in the trial of an unfair prejudice claim in the BVI Commercial Court (whilst on secondment to Conyers Dill & Pearman in the BVI).

Commercial Litigation

Mark has acted in a wide range of commercial and business disputes, including claims involving allegations of fraud, a variety of contractual claims, breach of warranty claims and shareholder disputes. Mark’s work frequently has an international or offshore element to it and he has experience of jurisdictional challenges and forum disputes.

Mark has experience of applications and issues relating to the impact of Russian sanctions: see [2022] EWCA Civ 854 and [2022] EWHC 101 Ch; worldwide freezing orders: see [2022] EWHC 1166 (Ch); anti-suit injunctions: see [2020] EWHC 2530 (Comm); search orders: see [2021] EWHC 1360 (Ch), security for costs: see [2022] EWHC 1047 (Ch), [2021] EWHC 2316 (Ch) and [2018] EWHC 1533; and disclosure and inspection: see [2018] 4 W.L.R. 26.

He also has experience of insurance disputes in a commercial context and was part of the COMBAR Working Group looking at the impact of Brexit on commercial insurance (with Leigh-Ann Mulcahy KC and Ben Lynch KC).

Featured Commercial Litigation cases

- *Magomedov and others v TPG Group Holdings (SBS), LP and others* (Commercial Court)- acting (led by Justin Fenwick KC and Tim Chelmick) for one of the defendants to a US\$ 14 billion claim for conspiracy which is alleged to be politically motivated, including successfully resisting an application for injunctive relief: [2023] EWHC 2655 (Comm) (without prejudice to challenge to jurisdiction and service out).
- *Vneshprombank LLC v Georgy Bedzhamov & Ors*; acting (led by Justin Fenwick KC) for Georgy Bedzhamov in strongly contested proceedings brought by a Russian bank in liquidation seeking damages of over £1 billion: see [2023] EWHC 1459 (Ch), [2022] EWCA Civ 854, [2022] EWHC 1166 (Ch), [2022] EWHC 101 (Ch), [2021] EWHC 1360 (Ch).
- *R5 Capital Ltd v Mitheridge Capital Management LLP*; acting (led by Graham Chapman KC) in a claim against an investment manager relating to the payment of success fees: see [2021] EWHC 2316 (Ch).

- *Catlin Syndicate Limited & Ors v Amec Foster Wheeler USA Corp & Ors* (Commercial Court); acting (led by Roger Stewart KC and George Spalton KC) for the Defendants to an application for the continuation of an anti-suit injunction: [2020] EWHC 2530 (Comm).
- *Grantham Capital Ltd v Langham & Ors* (Commercial Court); acting (led by Matthew Bradley KC) for the defendants to a claim for fraudulent misrepresentation and unlawful means conspiracy arising out of a share purchase agreement relating to the sale of a company.
- *Penta v Storrier*; acted (led by Neil Hext KC) in a claim against a director arising out of the alleged significant mismanagement of various companies and/or financial misstatements in relation to them: see [2020] EWHC 2400 (Ch).
- *Accident Exchange v McLean & Ors*; Mark acting (led by Jamie Smith KC and Miles Harris) for two of the defendants to a £130 million Commercial Court claim for unlawful means conspiracy claim and deceit: see [2018] 4 W.L.R. 26 and [2018] EWHC 1533.
- *Comodo Holdings Ltd v Renaissance Ventures Ltd & Anr*; acting (led by Paul Chaisty KC and Mark Forte) in an application for injunctive relief in a shareholder dispute in the BVI Commercial Court.
- *Hitomi Matsuura v A & S Company Limited*; acting (led by Alain Choo-Choy KC and Jerry Samuel) in the trial of an unfair prejudice claim in the BVI Commercial Court (whilst on secondment to Conyers Dill and Pearman in the BVI).
- *Cape Distribution Limited v Cape Intermediate Holdings Limited*; acting as junior counsel to Justin Fenwick KC and Leigh-Ann Mulcahy KC in proceedings relating to the circumstances in which a subrogated claim can be brought by an insurer of a subsidiary against a parent company.

Professional Liability

“Mark is prompt, responsive and hard-working. His advice is comprehensive and pragmatic. He is a pleasure to work with” – Legal 500

“His advice is comprehensive and clear, which demonstrates significant attention to detail and a deep rooted understanding of the complex issues” – Legal 500

“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 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 and claims involving allegations of civil fraud or involving an offshore or international element.

Featured Professional Negligence cases

- *Claim against a fund manager*; Acting (led by Graham Chapman KC) in a £18m+ claim against a fund manager arising out of the collapse of an offshore collective investment scheme.
- *Penta v Storrier*; acting (led by Neil Hext KC) in a claim against a director arising out of the alleged significant financial mismanagement of companies (see [2020] EWHC 2400 (Ch)).
- *Maggiistro-Contenta v Jury O’Shea LLP*; acting (led by Jamie Smith KC) in a £10 million claim arising out of the conduct of the financial affairs of Giacomino Maggiistro-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 acting (led by Jamie Smith KC 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).
- Acting (led by Ben Hubble KC) for a security company in a claim arising out of an alleged £1.5m theft.
- Acting as sole counsel for a company in a £1 million contribution claim against accountants.
- Acting (led by Jamie Smith KC and Tim Chelmick) in a claim arising out of the valuation of a technology business for the purposes of a tax scheme.

Sports Law

Mark is developing his practice in sports law, with a particular focus on football-related matters and commercial disputes in a sports context.

Featured Sports Law cases

- Sole counsel acting on behalf of company in respect of outstanding agent's fees arising out of transfers of a football player.
- Acting (led by Kendrah Potts) for a professional footballer in a dispute relating to the payment of sums due following the termination of a playing contract.
- Acting (led by Kendrah Potts) for a professional footballer in FA disciplinary proceedings following a failed drugs test.
- Acting as sole counsel for a professional footballer in a dispute with his club relating to the extension of his playing contract.
- Assisting Can Yeginsu to advise a sports agency in a dispute with a former professional footballer.
- Assisting Richard Liddell KC to advise a football player in a dispute with a club relating to the player's image rights.

International Arbitration

Mark is developing his practice in international arbitration. He has experience of commercial and construction disputes.

Featured International Arbitrations

- Acting as part of a counsel team led by Roger Stewart KC in a complex and extremely high value international arbitration relating to a significant project in the Middle East.
- Acting as part of a counsel team led by Roger Stewart KC and Anneliese Day KC in a complex international arbitration worth in excess of £100 million relating to the construction of a nuclear installation.
- Assisting Ben Elkington KC to advise in a dispute relating to a commercial service agreement.

Awards



Qualifications

Education:

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

Bar Admissions:

England and Wales: 2013

British Virgin Islands: 2017

Cayman Islands: 2018

Memberships:

Commercial Bar Association

Chancery Bar Association

Professional Negligence Bar Association

Commercial Fraud Lawyers Association
